84-911

NO. _____

FILED
DEC 10 1984
ALEXANDER L. STEVAS,
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

(1) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE,
Husband and wife, Defendants.

---

(2) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Respondents.

---

(3) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Appellees.

JURISDICTIONAL STATEMENT

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WASHINGTON

Beatrice E. Koker
Erich Koker
939 North 105th Street
Seattle, Washington
98133

(206) 783-6998
Appellants Pro Se

Parties To This Action: 2. and 3.

EXTENSION OF TIME GRANTED APPENDIX PART II-T

EDITOR'S NOTE

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QUESTIONS PRESENTED

WHETHER an attorney who represented a client by breach of fiduciary duty and bad faith and betrayal in trial of 1976, who committed proven malpractice acts still on record unajudicated and denied summary judgment, and this attorney who by law has forfeited his right to any compensation, be paid contingency fees from a court trust fund when there is forfeiture of all compensation by law?

WHETHER a Superior Court Judge issued a court order voidable as issued unlawfully and unconstitutionally disbursing court trust funds for payment of legal malpractice acts as services rendered?

WHETHER the Superior Court Judge had jurisdiction of the subject matter and the person and has the ancilliary special proceeding controversy been pursued in the proper proceeding by law in order to be authorized to make a determination and disbursement of court trust?

WHETHER there was determination to disburse court trust funds adverse to the Constitution of the United States affecting the rights of the Kokers?

WHETHER when Mr. Betts did-not make any proof of rendered services, and did-not meet the criteria of compensation in any way, is the court order invalid?

WHETHER the court order disbursing trusted court funds be reversed for two reason: (1) forfeiture. (2) Betts did-not meet the criteria of attorney fees under ordinary circumstances?

WHETHER an attorney "under color of law" claimed under affidavit the court trust funds disbursement in silence and concealment, when he knew the controversy was still in issue, shall escape second degree perjury and still be awarded the contingency fees?

WHETHER the court trust fund is my property?

WHETHER the State Supreme Court has denied a constitutional right to access to the courts, and the right to be heard in their rejection of this case denying direct review and discretionary review when the court knew the proceedings are supplementary to judgment in special proceedings and appealable?

WHETHER another constitutional right is denied in access to the court when the Commissioner and Clerk of the State Supreme court make all the initial judicial rulings of this controversy?

WHETHER "filed with no further action" defeats the purpose of the motion constitutionally?

WHETHER EVADING AND AVOIDING AND IGNORING the issues on appeal are rights denied unconstitutionally or not given due recognition by the state court unconstitutionally is a question as to which plaintiffs are entitled to and asking to invoke the judgment of the United States Supreme Court?

WHETHER the state Supreme Court has made a meaningless appeal by evading, avoiding and ignoring the issues presented by Beatrice E. Koker, and totally evaded, avoided and ignored the wrong committed on appeal by Frederick V. Betts in obtaining the court trust funds under color of law and in second degree perjury, and the Court Commissioner judicially ruling and evading, avoiding, ignoring is upheld by the court by refusing to modify and omit such atrocities?

WHETHER the caseload of the courts, a national disgrace, is denying access to the courts by rules, statutes repugnant to the United States Constitution, laws, that lift the caseload by barring the way to access to the courts?

WHETHER A court congestion act by the State legislature carefully explained to lift the caseload only, shall be declared unconstitutional as depriving the Kokers and others to the

access to courts in all controversies in the proper Constitutional? Repugnant to Const?

WHETHER the "rendered services" of F. V. Betts shall relate back to the record of Cause 864509 and the proof that rendered services are legal malpractice denied summary judgment, proof of forfeiture of fees and costs, and be re-examined through the power of the United States Supreme Court?

WHETHER APPENDIX C-13 Part I, a letter from State Supreme Court stating the meaningless appeal, denial of civil rights and denial of federal rights have been considered and denied by the State Supreme Court is ruling to invoke jurisdiction of the United States Supreme Court?

WHETHER when there is established a right to review to State Supreme Court from Court of appeals, a statute denying that right be repugnant to the Constitution of the United States via statute RCWA 2.06.030?

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OPINIONS BELOW

Superior Court: ORDER DISBURSING COURT TRUST FUNDS for contingency fees of a trial of 1976, made to former attorney who was prior to this case at hand denied summary judgment for legal malpractice acts, omissions and legal wrongs. Motion for Reconsideration denied. APPENDIX B-1 and B-2:

Supreme Court-State: ALL RULINGS in State Supreme Court of Washington in this case are made by the Commissioner or Clerk of that court in judicial rulings. No help from the Justices.(Admitted Justices Seldom Overrule.)

Direct review denied. Discretionary review denied. All issues ignored including the ORDER. Second degree perjury committed on appeal by Appelle Betts was ignored, evaded, and avoided by the Commissioner. The Supreme Court Justices were appealed to time and again and ultimate denial. Two documents filed "with no further action" thus

denying Beatrice Koker access to the court. This is an opinion-court-report of a meaningless appeal.

The opinions, rulings, non-rulings, evading-avoiding-ignoring issues and facts and evidence are presented in the Appendix C-1 Through C-13:

OBJECTIONS TO THE COMMISSIONER'S OPINION RULING OF APRIL 12, 1984 WERE SENT BY MAILGRAM **APPENDIX D:**

The last ruling before the State Supreme court upheld the Court Clerk "filing with no further action" a motion for the Justices to consider their own ruling upholding the entire meaningless appeal Judicial Rulings by Clerk or Commissioner. APPENDIX C-12 and C-13:

The Superior Court Judge disbursed court trust funds to pay contingency fees for malpractice acts. The State Supreme Court upheld the ruling by total rejection of the appeal without cause. "Under color of law" act ignored.

GROUNDS ON WHICH THE JURIDICTION OF THE UNITED STATES SUPREME COURT IS INVOKED

This instant case of disbursement of court trust funds is a matter appropriate for this Court's review. Appellee Betts did-not have ANY right to the court trust funds at issue, due to his own forfeiture by choice. Therefore, there is lack of claim for compensation on any theory. Claim fails as a matter of law.

There is constitutional edict to access to courts. This command is deprived when the Clerk and Commissioner of the State Supreme Court are cloaked with forbidden power to make judicial rulings. ARTICLE III NOTE 66 and 67 of the CONSTITUTION OF THE UNITED STATES:

> Note 66: Clerks of Courts: "Congress has no authority to confer judicial power upon clerks of courts, for under this section the judicial power of the United States can only be vested in and be exercised by courts created and established by law to expound and administer the law in application to the causes and controversies which may come before them in due course of legal procedure." State v Sullivan, D.D.N.C. 1892, 50 Fed 593:

Note 67: Commissioner, United States:

> "A united States Commissioner is neither a court nor the judge of any court, nor is he vested by law with any part of the judicial power of the United States, for the judicial power is vested in the Supreme Court and such "inferior courts as the Congress may from time to time ordain and establish," and cannot be vested in a commissioner, who is neither made a court, nor empowered to hold a court in the constitutional sense. He is an inferior officer of the court, appointed by it by the authority of Congress, with defined and circumscribed powers, but no part of the judicial power of the United States is vested in him, nor can it be." IN RE SING TUCK C.C.N.Y (1903) 120 F 386:

Even the law clerks get into the act of judicial participation. A law clerk has written an article admitting his part in court opinions, an unconstitutional court allowing court power to a law clerk. Quoting from "LAW CLERKS WITH THE COURT OF APPEALS" from Washington State Bar News, March 1980 page 20:

> "He (the Judge) would draft an opinion on one case for me to review, edit, etc., and I would do the same on the next case. Thus I can look back and read many opinions that were entirely my product.

"On other occasions, I totally rewrote one of my judges' opinions to a different result and was pleased that he accepted my reasoning and persuaded his fellow judges to adopt it as the opinion of the court."

A relentless search for rule, statute, authority and Constitutional law that would give the State Courts any legal right to "file with no further action." There is nothing to allow this deprivation of access to the court. Therefore, it is a court-made expedient to be rid of unpopular controversies, to lighten the caseload and/or expel the unwanted or riddance of the overflow.

The caseload is a nemesis to justice.

ARTICLE III §1 Note 121: "Responsibility of the Judiciary - Generally"

"The courts cannot create a new constitution and laws and court-made rules of expediency must not be placed above the Constitution." American Federation of Labor V Watson D.C. Fla 1945, 60 F Supp 1010 (Reversed on other grounds)

The Clerk of the State Supreme Court "filed with no further action" a document of Beatrice E. Koker. The Justices upheld such a ruling of the clerk. Access to the court is once again intercepted, blocked and denied.

There is absolutely no power of the Clerk of the court in his ministerial duties by law, to "file with no further action". To be upheld by the Justices, points to lifting the caseload again.

In 15A AM JUR 2d 158-159 S23: CLERKS OF THE COURT POWERS AND DUTIES FILING PAPERS QUOTE:

"When the statute requires the clerk of the court to file all papers delivered to him to be filed, he is not concerned with the merit of the papers nor with their effect and interpretation. The clerk has no discretion in the matter of filing papers recognized by law as properly belonging in the record of causes. It is not for the clerk to inquire into the purposes or contents of such papers, or into the circumstances giving rise to them or attending their preparation. The power to make any decision as to the propriety of any paper submitted, or as to the right of a person to file such a paper, is vested in the court, not the clerk. However, where a statute makes it the duty of the clerk of court to file a

> Particular document, a judge is without authority to interfere with such filing." (Cases Omitted)

The powers and duties of court clerks in RCW 2.32.050 does not permit the clerk of the State Supreme Court to "file with no further action." This action by the clerk estopped access to the justices who have never in the past 8½ years of pro se order, ever overturned a ruling of a Commissioner or Clerk.

In 15A AM JUR 2d p 156 §21 , the Clerk's actions (even against his personal judgment) are more duty to the Justices of the Court than to the soverign. THE CLERK MUST OBEY THE JUSTICES Quoting Section 21 p 156:

> "In the performance of his duties as a ministerial officer of the court, the clerk is subject to the control of the court. If he fails to obey any order of the court, he may be guilty of contempt, even when the order is erroneous in law."

If the court has directed the clerk to file with no further action, the clerk must do so or be in contemp of court.

STATE STATUTE REPUGNANT TO
THE CONSTITUTION OF THE
THE UNITED STATES - RE: CASELOAD

The purpose of this statute is to lift the caseload by the economic financial squeeze play.

THE STATUTE IS: Washington Law 1981, State Of Washington. Chapter 331 Sec §1 - §16: p 1560:

QUOTE

"Be it enacted by the Legislature Of the State of Washington:"

NEW SECTION: Section 1. "Recognizing the value of providing the people of the state of Washington with justice delivered in an expeditious fashion, recognizing the need to assure the people of the state of Washington that the quality of our judicial system will not be placed in jeopardy, and recognizing the need to avoid congestion of the courts at all levels of our judicial system, the legislature hereby enacts this Court Congestion Reduction Act of 1981."

Sec 2 Section 1, Chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070 are each amended to read as follows:

"The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:"

"Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of (twenty-five) one hundred dollars."

THE LEGISLATURE INCREASED THE DOCKET FEE FOR FILING APPEALS "to avoid congestion of the courts." In my own personal grievance there is hardship. I must borrow money on our home to seek justice in the courts. This meant I had to borrow $100. instead of $25.

The aid to the congestion of the courts by this method to control and lift the case-load is an out-and-out act to thwart the right of access to the courts and the right to due process. REPUGNANT TO THE CONSTITUTION OF THE UNITED STATES. Denial access to courts.

The Legislature of Washington State expected repercussions to their Court Congestion Act of 1981. Quoting Sec §16:

NEW SECTION. SEC 16: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons

persons or circumstances is not affected."

There is a substantial matter in that such a statute as the Court Congestion Reduction act is adverse to my financial circumstances. The adversity is of public interest, import, and concern for access to the courts. Only an indigent could escape the increase in docket fee for appeal.

It is my protected right to appeal in either the State Supreme Court or a Court of Appeals. This statute is constitutionally repugnant and invalid as applied because it operates to deprive an individual of a protected right as access to the courts, even if the measure enacted in the legitimate exercise of state power is beyond question. As in LITTLE V STREATER 452 US 1: 101 S Ct 2202, 68 L Ed 2d 627: (1981):

"There are few limits that can be placed on the court's caseload intake without depriving some citizens of their right to justice." Seattle Times Saturday October 8, 1983 Page A-4:

Grounds For Jurisdiction Invoked

STATE STATUTE REPUGNANT
TO THE CONSTITUTION OF
THE UNITED STATES

Washington Law 1981, State Chapter 331 Sec §1 - §16 p 1560: Word "shall" is used:

"The use of the term "shall" in the statute creates a presumption that the legislature intended to create a duty rather than confer discretion." Crown Cascade, Inc v O'Neal 100 Wn 2d 256 (1983)

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8 Pacific Digest 624 "Constitutional Law" Wests Key 13 "Intent and Policy" (1975)

"If a constitutional provision is plain and unambiguous on its face, then no construction or interpretation is necessary or permissible." State exrel Anderson v Chapman 543 P 2d 229, 86 Wn 2d 189:

2A United States Supreme Court Digest 169 §732 "Repugnancy to Federal Law and Constitution - Generally."

"In a case before the Supreme Court in which a state law is claimed to be in contravention of the United States Constitution, it has jurisdiction of the ENTIRE CASE AND ALL QUESTIONS INVOLVED IN IT."(Emphasis Mine) Scott v Donald 165 US 58, 17 S Ct 265, 41 L ed 632:

"Repugnant Statute"
"Cases"

STATE STATITE REPUGNANT
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12B United States Supreme Court Digest 84
§38.5 "Legislative intention as to retention of valid portion generally"

"In the absence of a legislative declaration that the invalidity of a portion of a statute shall not effect the remainder, the presumption is that the legislature intends the act to be effective as an entirety."
Williams V Standard Oil Co.
278 US 235, 49 S Ct 115, 60 ALR 596,
73 L Ed 287:

10 Wests Pacific Digest 202
CONSTITUTIONAL LAW "Courts to Be Open"

"In order to assess Constitutionality of both the nature of the asserted right and the reasons for restrictions placed upon it by the state must be considered." Carter V University of Washington 536 P 2d 618, 85 Wash 2d 391 Appeal after remand 554 P 2d 338, 87 Wash 2d 483:

2 United States Supreme Court Digest 281
§199 "State Courts"

"A case in which the appellant challenged, on federal Constitutional grounds, a state statute, is properly before the United States Supreme Court on appeal." Mishkin v NY 383 US 502:

STATE STATUTE REPUGNANT TO
THE CONSTITUTION OF THE
UNITED STATES

The "right" to direct review to State Supreme Court from appellate Court is taken away. TITLE 1 Rule 1.1 Scope of Rules §3003:

Review Of Decision Of The Court Of Appeals

"There is no longer a right to review of a decision of the Court of Appeals in the Supreme Court. Review by the Supreme Court of a Court of Appeals decision is discretionary only. This change was made by the Legislature in 1979 by amending RCWA 2.06.30:

To assess the repugnancy of this state statute and the Court Congestion Reduction Act of 1981, both must be weighed in the light of caseload reduction which in turn intercepts constitutional rights which is repugnant to the Constitution of the United States.

The rights are first protected by the Constitution of the United States. And the States at first follow the Constitution and then in throes of caseload, deny the rights.

THE STATE STATUTE REPUGNANT
TO THE CONSTITUTION OF THE
UNITED STATES

28 USCS §1257 p 692 Note 167:
"Validity of state statute sustained against alleged unconstitutionality."

"Where final decision of state court has sustained validity of state statute challenged on federal constitutional grounds, appeal to United States Supreme Court lies as a matter of right under 28 USCS §1257:
Huffman v Pursue Ltd. (1975) 420 US 592, 43 L Ed 2d 482, 95 S ct 1200, Rehearing denied 421 US 971, 44 L Ed 2d 463, 95 S Ct 1969:

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28 USCS §1257 692 Note 167:
Validity of State Statute Sustained Against Alleged Unconstitutionality."

"Ruling of highest state court **DENYING REVIEW** of orders ot state public utilities commission issued pursuant to specific statutory authority and challenged as violation Federal Constitution amounts to a decision in favor of validity of statute upon which orders were based and is reviewable by United States Supreme Court upon appeal under 28 USCS §1257(2), permitting Supreme Court review upon appeal of judgment of highest state courts where repugnancy of state statute to Federal Constitution is presented and the highest state court has decided in favor of validity of statute."
Atchison, T & S.F.R. Co V Public Utilities Commission (1953) 346 US 346, 98 L Ed 51, 74 S Ct 92 and 372 US 58, 9 L Ed 2d 584, 83 S Ct 631:

"Cases"

STATE STATUTE REPUGNANT TO THE
UNITED STATES CONSTITUTION

28 USCS §1257 p 692 Note 167
"Validity of state statute
sustained against alleged
unconstitutionality

"Jurisdiction of Supreme Court of United States is properly invoked by appeal under 28 USCS §1257 where state court judgment sought to be reviewed upholds state statute against contention that on its face and as supplied statute violates Federal Constitution."
Bantam Books, Inc (1963) V Sullivan
372 US 58, 9 L Ed 2d 584, 83 S Ct 631:

28 USCS §1257 Note 144
§1315 "Generally

"The Supreme Court will determine the constitutional validity of a statute, though it is not assailed, where the question is inherently fundamental."
294 US 648, 55 S Ct 595, 79 L Ed 1110:

In OSBORN V PUBLIC HOSPITAL 80 Wn 2d 201, 492 P 2d 1025 (1972) "Issues Not Raised in Trial Court": Quote:

"The court on appeal may consider any statute of this state which pertains to the issues before the trial court even though the statutes are cited for the first time on appeal."

"Second Degree Perjury"
"On Appeal"

"UNDER COLOR OF LAW TO INVOKE JURISDICTION"

Appellee Betts has forfeited his right to compensation in malpractice acts, he calls rendered services. Then - - while the appeal to State Supreme Court is in controvery, F. V. Betts in an act under color of law claimed the court trust funds by signing an affidavit that he was the owner, when in fact he is not. Then concealed the entire transaction from the Superior Court, State Supreme Court and Beatrice Koker. Second Degree Perjury: RCW 9A.72.030:

He was actually paid the funds. Appellant made discovery and reported it to the proper people including State Supreme Court. The issue was not even considered, when the seriousness qualifies for reversal of appeal. APP J-1:

Disbursement department was notified not to disburse twice. APPENDIX H-1 and H-2: Part I

The State Official and County Official obtained the funds from Mr. Betts: APPEND: I-1 &2: Part I

Grounds For Jurisdiction Invoked

"Second Degree Perjury"
"On Appeal"

In STATE V CASE (1915) 88 Wn 694, 153 P 1070 it says that in authority, the fact that defendant who submitted false audit and received his true bill would have been paid if rendered, will not excuse him.

A person is guilty of perjury in the second degree if, with the intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law. RCW 9A.72.030 (1)(2):

"The court on appeal may consider any statute of this state which pertains to the issues before the trial court even though the statutes are cited for the first time on appeal." OSBORN V PUBLIC HOSPITAL 80 wn 2d 201, 492 P 2d 1025 (1972):

WHERE AND HOW THE FEDERAL QUESTIONS RAISED:

SEE: APPENDIX Q-1 Through Q-10: (Superior Court)

APPENDIX R-1 Through R-29: (State Supreme Court)

STANDING
JUSTICABILITY

Appellees have no eligible right to a court trust fund. There is no stare decisis to uphold a disbursement of court trust funds to pay compensation to F. V. Betts under the circumstances of this case in which he will-not declare his rendered services, and the record proves malpractice acts of an attorney.

There is standing by Constitutional promises and the violation of those promises as the system has done.

Standing appears in the absence of authority, laws, rules, and and the theory of Appellee absent in the Federal Constitution.

"Standing" is right on point in the authority of IN MATTER OF ALBANO, IN RE YENGO (SC Of NJ 1978) 72 NJ at 450, 371 A 2d 41:

> "Chief Justice Hughes observed that the poorest, weakest, most hapless or illiterate standing before an American Court is entitled to exactly the same respect, rights and hearings as would be the Chief Justice of the United States Court and similarily accused."

The Court Trust Fund is $5,583.90 which F. V. Betts is barred. The issue is that he as an attorney has forfeited by law all rights to compensation. He admittedly states he only wanted to estop the funds from escheating to the state. Whether this appellant keep this fund or returns it to the state is my business and my property.

The malpractice acts are set forth in Cause 864509. Both Superior Court and State Supreme Court had access to the entire Clerk's Papers.

> "Ruling of highest court of state that ruling of state Court upon former trial became law of case does not effect power of Supreme Court of United States to re-examine question."
>
> 28 USCS §1257 p 701 Note 175:
>
> "Matters of State Practice"
> Davis V O'Hara (1924) 266 US 314:
> 69 L Ed 303, 46 S Ct 104:

A separate exhibit was presented to both state courts: CP Complaint #1 and Affidavit of Lack of Standard of Care" Cause 864509:

The "rendered services" are in the lawsuit #864509.

> "The Supreme Court, upon the determination of an appeal will consider the records of another suit between substantially the same parties, and judgment rendered in which constitutes the basis of the defense in the case at bar."
> 2A United States Supreme Court Digest 469 §986::141 US 240, 11 S Ct 985, 35 L Ed 713: Butler V Eaton:

> "No man shall take advantage of his own wrong." Lightbody v Russell 45 NYS 2d 15, 17:

Standing and justicability follow denial of access to the courts, a right of all citizens of the United States of America. Payne V Superior Court of Los Angeles County 132 Cal RPTR 405 (1978), 17 C 3d 908:

A meaningless appeal, caseload-trauma, gives standing. Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts. USCA §1 14th Amendment Note 602 p 644:

CASES BELIEVED TO SUSTAIN JURISDICTION OF UNITED STATES SUPREME COURT

Appellee Betts made a motion to disburse court trust funds to pay himself contingency fees and in silence refused to account for the rendered services - - which on the record are malpractice acts, omissions and legal wrongs. The superior court issued the order to disburse. The State Supreme Court, even though in doubt, denied direct review.

I: The case of SEVENTH ELECT CHURCH V ROGERS 102 Wn 2d 527 (1984-Sept) involves the law firm of F. V. Betts. (Betts, Patterson & Mines). The subject matter is "fees". The case was taken DIRECT REVIEW. (State Supreme Court-Wn)

There is bias, prejudice, discrimination that Beatrice Koker is cast aside with no direct review, not even discretionary review, and it is the same subject matter AND EVEN THE SAME LAW FIRM, and given direct review in the State Supreme Court of Washington.

Beatrice denied any review.

In the case of the SEVENTH ELECT CHURCH V ROGERS (supra) Betts, Patterson & Mines represented the defendant Rogers who must pay a judgment of $2,500,000. to the "Church". The plaintiff (Church) instigated supplemental proceedings to satisfy the judgment.

There have been three appeals dealing with the defendant's refusal to answer questions in supplemental proceedings, and numberous adjudication of assets fraudulantly transferred by the defendant since supplemental proceedings were initiated. There are numerous federal and state actions currently pending against defendant Rogers outside the state.

William P. Fite, a member of Betts' law firm (Betts, Patterson & Mines) were requested to answer questions pertaining to the amount, source and manner of payment of legal fees to that law firm, paid to them by Mr. Rogers.

The law firm of Mr. Betts refused to answer these questions regarding the amount of fees, the source, and manner of payment.

The Superior Court of King County gave orders directing the attorneys to answer the question of legal fees received by that firm on or behalf of Gerald Rogers. The law firm is to set forth the amount of each payment, the date of payment received, to identify and provide the address of each person or entity remitting payments to this firm, and the form of each payment received by them such as cash, check, wire transfer and so forth. Each payment must identify the bank, branch and account name upon which each payment was drawn.

The State Supreme Court held that neither attorney-client privilege or attorney's ethical duties prevented disclosure. Orders affirmed.

Frederick V. Betts of the same law firm refused by silence to reveal the basis for his "rendered services contingency fees." His rendered services on record are repugnant legal malpractice acts, denied summary judgment. Appellate Court technicality protected Betts again.

P28 Cases to Sustain Jurisdiction

II

Washington Statute RCW 60.40.030 states inquiry must be made into the facts on which the claim of a lien is founded. Mr. Betts avoided all authority in lower court and used two irrelevant cases on appeal. The authority is FORFEITURE of his fees from the record of his acts and breach of fiduciary duty to me.

In WILLIAMS V BANK OF CALIFORNIA 96 Wn 2d 860, 639 P 2d 1339 (1982) Headnote 3: "Fiduciaries -- Fees -- Breach of Duty --Effect"

> "A fiduciary which breaches its fiduciary duty forfeits its right to receive a fee for its services." AND ESMIEU V SCHRAG 88 Wn 2d 490, 499, 563 P 2d 203 (1977)

III

The Washington State Supreme Court reversed a lower court judgment and denied attorney fees because fiduciary duty was breached. In ALLARD V PACIFIC NATIONAL BANK 99 Wn 2d 394 (1983) the beneficiaries of a trust claimed trustee's sale of the sole asset of the trust was for less than fair value.

There are cases from other circuits which deny an attorney recover for attorney fees where there is a breach of fiduciary duty. IN RE LEE'S ESTATE-HURSH V. LEE 9 NW 2d 245 (1943) Headnote 7-8-9-10: p 251:

> "Appellant urges, however, that he is entitled to compensation for these additional services regardless of the contract. Our court has denied compensation to a trustee who has not faithfully performed his duties." (Cases Omitted)
>
> "It is equally well settled that an attorney at law, who is unfaithful in the performance of his duties forfeits his right to compensation. An attorney is an officer of the court, sworn to aid in the administration of justice and to act with strict fidelity to both his clients and the courts. Unquestioned fidelity to their real interests is the duty of every attorney to his clients. When a breach of faith occurs, the attorney's right to compensation is gone." (Emphasis Mine)

In 1 UNITED STATES SUPREME COURT DIGEST 722 §73 d. it says:

> "An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted)

Whether ancient, just old, or recent as 1984, one fact is steadfast, that fiduciary duty to a client comes first and no fees can be paid to compensate a wrongdoer.

In the authority of MAHONE V SOUTHERN TELEPHONE CO., 33 Fed 702 (1887) justice would-not allow payment for wrongdoing, nor disbursement of funds in court. "Attorney-Client -- Lien for Services". Justice Hughes delivering the judgment said: (Page 704):

> "When the petition of these counsel for an allowance out of the general fund in court was before me, I had no hesitation in dismissing it. The labors of these counsel were adverse to the purposes of the suit, and wholly obstructive. They were not directed to the benefit of the fund, and did not inure to its benefit. There was, in my opinion, no imaginable ground on which against the fund, on their part, could be rested, and their petition was dismissed."

"AGGRIEVED"

KINGSLEY V DELANO 172 Mass 37, 51 NE 186:

OPENSHAW V OPENSHAW 105 Utah 574, 144 P 2d 528:

> A plaintiff is aggrieved by a judgment in his favor if it is-not rendered for all he claimed in his declaration.

In the authority of GALELLA V ONASSIS 353 F Supp 196, and 487 F 2d 986 (1973) Quote:

> "The claim that this constitutional right runs only against "state Action" overlooks the fact that the act of the court - - even the entry of a judgment denying relief - - is state action within the meaning of the 14th Amendment."
>
> "Conduct of an officer of state court constitutes "state action" within the meaning of the due process clause." 16 AM JUR §823: Constitutional Law

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In the case of Bazzoil V Larson 178 NE 331, 332, 40 Ohio App 321 Const art, 4 and 6:

> "Person deprived by court order of remedy which he would otherwise possess is "deprived of substantial right" as regards review."

Direct review plus the ultimate denial of discretionary review to Beatrice Koker, the exception to their justice. In O'CONNOR V MATZDORFF 76 Wn 2d 589, 456 P 2d 154 (1969) p 592: It Says:

> "We have said that we will assume original jurisdiction when application involves "interests of the state at large or of the public, or when it is necessary to afford an adequate remedy." STATE exrel PACIFIC BRIDGE CO V WASHINGTON TOLL BRIDGE AUTHORITY 8 Wn 2d 337, 112 P 2d 135 (1941):
>
> "Although only an individual's right is being asserted in this proceeding, the question to be decided involves very deeply the interests of the public and in particular those of a regrettably large segment of our society. The right of the poor to obtain redress for wrongs, and to defend themselves when sued by the more affluent, is presently of nationwide concern, as is evidenced by the attention given to the subject in legal periodicals."

p 593:

> "We are convinced that the question presented in this case is of such significant public import and urgency that we are justified in assuming original jurisdiction."

The question presented in the case at bar is of such public import as to justify original

In JACKSON V GRIFFITH 421 So 2d 677 (1982) the attorney sued client for attorney's fees. The client signed written instrument agreeing to pay the attorney a fee of $4,000. The agreement was found to be void because of the wrongdoing by the attorney. The court denied the claim for $4,000. but awarded $1,500. The district Court of Appeals of Florida reversed stating attorney displaying conduct sufficient to void agreement in law should not be allowed to profit from his blatantly unprofessional conduct in equity.

In GRINER V FOSKEY 282 SE 2d 150, 158 (1981) where contract between attorney and client is-not in writing, the statute of limitation on the debt is four years.

Please note: There was never a written contract. The lien was filed February 27, 1978.

"An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted) 1 UNITED STATES SUPREME COURT DIGEST 782 §73 d.:

There has never been a ruling on the merits of Cause 864509 in State Courts nor appeal. This is the case holding the malpractice acts of F. V. Betts and those acts he now transposes to "rendered services".

From the United States Supreme Court Reports Vol 75 L Ed 2d No. 1 April 12, 1983 advance sheets. Quote:

"(CAUTION: It should be noticed that the court's refusal to accept a case for review should not be considered to be an indication of the court's view on the merits of the case.")

"(Caution: While dismissals of appeals are binding precedents for the lower courts, denials of certiorari have no precedential force. Shaw v Delta Air Lines, Inc (1983) US ,77 L Ed 2d 490, 103 S Ct 2890)

PLEASE TAKE JUDICIAL NOTICE ALL APPEALS DENIED CERTIORARI OR PETITION FOR REVIEW OR DENIED.

In BARR V WALL 62 So 2d 551 (La Ct App 1953) a lawyer was denied contingency fees contract when he failed to perform.

In the instant case the legal malpractice is denied summary judgment, the proven acts are still on the record not adjudicated. The courts have awarded compensation under manifest error. In his answer to my pleadings in State Supreme Court Document 016 p 6, it says:

> "Mr. Betts only requested the funds due to him in order to prevent them escheating to the state."

My adversary did-not even mention his rendered services. He calls the legal malpractice "issues that should be laid to rest." Then he plucks the court trust funds to pay for acts he refuses to mention even when he knows they are on record for anyone to see.

The malpractice acts laid down in Cause 864509 - Appeal 9346-1-I are relevant as to what this man expects to be paid about.

24 FR Serv 893 56c.6 - Quoting Mr. Justice Holmes:

> "Whether the right was denied or not given due recognition by the (state court). . . is a question as to which plaintiffs are entitled to invoke our judgment."

Appellants respectfully invoke the jurisdiction of the United States Supreme Court because of the meaningless appeal. The State Supreme Court and the Superior Court of the State of Washington have not given due recognition to the issues of this case, nor the public interest, public concern and public importance. Federal Constitution ?

The State Supreme Court Justices did-not make judicial rulings in this appeal. Their only participation was to "modify" the judicial rulings of ministerial inferior officers of the court, which the Constitution of the United States does not permit nor recognize.

ARTICLE III Note 66 and 67:

"The creation of additional procedural technicalities is particularly in appropriate in statutory schemes in which layment, unassisted by trained lawyers, initiate the process." 12B UNITED STATES SUPREME COURT DIGEST 117 §82.3: LOVE V FULLMAN CO 404 US 522, 92 S Ct 616, 30 L Ed 2d 679:

Every statute is to be read in light of the Constitution. 12B UNITED STATES SUPREME COURT DIGEST 145 §105.5(B):

Investigation by appellant Beatrice on appeal was for the purpose of "discovery" why a court highest in the state allowed clerks and commissioners judicial rulings only for the judges by law.

The State Supreme Court appointed state commission of 11 members to ferret out ways to lighten the caseload. The two statutes herein are repugnant to the Constitution that by lifting the caseload, citizens are lifted right out of the court and denied access to litigate their rights. Since this discovery was made on appeal, the statutes were not raised in trial court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Cited And Set Forth In The Appendix as Follows:

28 USCA §1257 (2)(3): . . . . . APPENDIX K-1-2-3:

Judiciary Act Of 1789: . . . . APPENDIX L-1-2-3:

Constitution Of The United States: Entirety

ARTICLE III: Section 2: Section 1: APP M-1-2-3:4:

42 USCA §1983: . . . . . APPENDIX N-1: N-2:

14th Amendment: . . . APPENDIX O-1 Thru O-9:

5th Amendment: . . . APPENDIX P-1 and P-2:

The Constitutional and Statutory Provisions involved set forth in the appendix under RULE 15 .1 (f)(v) and RULE 33.3:

Set forth in appendix PART II Part II as per reference above. Cases.

STATEMENT OF THE CASE
Superior Court APPENDIX E-2:

Appellee Betts represented Beatrice E. Koker in trial 1976 for proven permanent injuries with defense admitted liability.

After trial, Betts vanished from my case and did-not obtain me other counsel for appeal. I became pro se and made discovery of lies and concealment in trial deceiving judge, jury and client. Appeals pro se have been consistenly denied.

The malpractice acts are proven on the record and the instant case is where Betts has made motion to disburse court trust funds to pay him for his malpractice acts representing me. He was denied summary judgment on legal malpractice. Betts has forfeited his right to compensation.

APPENDIX A-1: A-2: A-3: Motion and affidavit of F. V. Betts, for disbursement of court trust funds for malpractice services rendered.

APPENDIX B-1: and B-2: Superior Court Order disbursing Court Trust Funds and Motion for Reconsideration which was denied.

Frederick V. Betts made motion and affidavit to disburse court trust funds for the purpose of his collecting contingency fees. The motion made as if the disbursement was a perfunctory proceeding, when in reality Betts was asking fees and costs for proven malpractice.

The Lien: The lien was not filed by Mr. Betts until February 27, 1978. The trial ended June 30, 1976.

Burden: The burden is on attorney in action for fees to prove by preponderance of evidence both the services rendered and the reasonable value thereof. DAILY V TESTONE 435 P 2d 24, 72 Wash 2d 662 (1967):

Betts did not meet the burden of proof. Not in writing. Not in oral. He was silent.

Contract: There is no written contract. An attorney in bad faith or fraud toward his client is-not entitled to any compensation for his services. 7 AM JUR 2d §260 and cases there.

√ FEDERAL QUESTIONS SET FORTH: APPENDIX Q-1/10:

STATEMENT OF CASE Superior Court

p 41

Unlike a jury of lay persons, the trial judge is an attorney. Thus courts have said that a judge is familiar with the standards of practice so as to make expert testimoney unnecessary. BURIEN MOTORS INC V BALCH 9 Wash App 573, 513 P 2d 582 (1973):

Abandonment of a client precludes recovery of compensation. SLADE V HARRIS 105 Conn 436, 135 A 570 (1927): HOWARD V McCARSON 215 Ala 251, 110 So 296 (1926):

The burden of proof is on the attorney in an action for fees to prove by preponderance of evidence both the services rendered and reasonable value thereof. 2WASHINGTON DIGEST B. 611 Wests Key 166(3) Wash 1967:

The motion of Betts is supplementary to judgement and ancillary. In 4 AM Jur §64 Footnote 16, it says:

> "A final order in proceedings supplementary to judgment is appealable under statutory provisions for an appeal from a final order in a special proceedings."

DIRECT APPEAL! BUT THE STATE SUPREME COURT

Lying: An attorney proven to have lied to a judge and jury in violation of the requirements of professional responsibility, cannot recover for services rendered. 7 AM JUR S260. GOLDSTEIN V LEES (2nd Dist) 46 Cal App 3d 614, 120 Cal Rptr 253:

No Assignment:
No Agreement: There was no agreement for assignment of judgment for contingency fees. Without express provision, or express stipulation to that effect, an agreement for a contingent fee will not act as an assignment to the attorney of any judgment that may be recovered by the client. 2B WASHINGTON DIGEST 604 - Wests Key 148(2):

Fiduciary: Breach of faith from fiduciary has been held to be sufficient a wrong upon which to preclude any recovery. COLEMAN V MOODY 52 Tenn App 138, 372 SW 2d 306 (1963):

Even those attorneys who act in good faith may lose the right to recover fees if he has also breached the fiduciary duty, obligations. BRYANT V LEWIS 27 SW 2d 604 (Tex Civ App 1930):

Possession: Mr. Betts never had the money judgment in his possession at any time. They were made court trust funds. Where attorney never had possession of money against which he claimed lien was not a retaining or possessory lien but was a charging lien, trial court had no jurisdiction to set attorney's fees or impose an attorney's lien against the money in a summary manner. LEE V LEE 482 P 2d 745, 5 Or App 74 (1971):

Proof: An attorney cannot recover for professional services without proof of their value. SONI V COPPEDGE 285 SE 2d 604, (Ga app 1981 Wests Key 166(3): Proof Of Malpractice.

Statute: Where the contract between attorney and client is not in writing, the statute of limitation on the debt is four years.

There was no written contract. The lien was filed Feb 27, 1978. The motion for disbursement is December 1983. That is 5 years and 10 months.

Invalid: Betts legal malpractice acts in Cause 864509 King County Washington, includes suppression and misrepresentation and lies about facts material to my injuries. In DORR V CAMDEN 46 SE 1014, 55 W Va 226, if the attorney suppresses the facts of the case, contingency fee contract will be held invalid.

Costs and Expenses: F. V. Betts refused my offer to borrow money to pay the costs and expenses. In four years preceeding the 1976 trial, Betts spent approximately $238.25. There is a skeleton file, which the trial judge commented upon. Betts has claimed this amount in his motion. In ROBINSON V HAYS 186 F 295, 108 C.C.A. 373, it says that an attorney advancing money to pay costs and expenses is held not entitled to lien on judgment for costs recovered for such advances.

Evidence: In the lawsuit relevant to trial 1976 Cause 864509 CP FILE #1 Paragraph 1.89 Beatrice claimed waiver of contingency attorney fees of Frederick V. Betts. He did-not protest.

He submits opinions of prior appeals which are irrelevant to the issue of contingency fees disbursed from a court fund, for services rendered which Betts will not talk about.

It is a settled rule in Supreme Court of the United States never to allow counsel on either side to be paid out of a fund in dispute. HAUENSTEIN V LYNHAM 100 US 483, 25 L Ed 628:

*** In 2 UNITED STATES SUPREME COURT DIGEST 627 §822 "Opinion Of State Court" quote:

a. "The opinion of the state court constitutes no part of the record, and cannot be looked to as the foundation on which the Supreme Court will take or refuse jurisdiction." (Case Omitted)

*** In 1 UNITED STATES SUPREME COURT DIGEST 743 §89 "State Courts" Quote:

a. "The supreme court will not review the state court's affirmance of the lower court's denial of new trial." (Case Omitted)

*** 2 UNITED STATES SUPREME COURT DIGEST S910.8 (b)(c)"Effect Of Denial." Quote "Denial of writ of certiorari imports no expression of opinion upon the merits of the case."

STATEMENT OF THE CASE
State Supreme Court
Of Washington State

DOCKET SHEET APPENDIX
E-1-2-3-4-5-6-7:

Appellee Betts, from my own knowledge and experience, has been indulging in wrongful acts for at least the past fiften (15) years. To my knowledge the courts have not made him account for his wrongdoing. He was held liable to pay for bad faith and negligence JUDGMENT, but that is not personal accounting so as to remove from the professional level a, in my opinion, dangerous representation for trusting citizens.

The checks and balances Constitutionally provided are not following the Constitution. The Superior Court shall be checked by the Appellate court, and that court in turn by the State Supreme Court. If all fails in the State, then the United States Supreme Court shall jurisdiction oppose any Constitutional Rights abolished in a state. FED QUEST R-1: Thru 29:

The past over-eight-years are permeated with rulings and orders and opinions of court biased, prejudiced, discriminatory, obviously protecting an attorney in wrongdoing by evading and avoiding and ignoring a pro se whistle-blower who proved reprehensible acts of attorneys.

The statement of the case in the appeal to State Supreme Court here in Washington, in the case at bar is "MEANINGLESS APPEAL". The Courts across this land are in a caseload dilemna, which has become a court-trauma. The facts will show this prevalance in the instant case, where the pro se litigant is the "first to go". CLEAR THE COURT CALENDARS.

The Superior Court motion to disburse court trust funds ended with the denial of motion for reconsideration on February 9, 1984. I had put in an appeal for direct review on February 6, 1984 when the 30 days to appeal expired. A Supplementary Appeal was filed February 10, 1984. (When Reconsideration denied)

The Supreme Court clerk and commissioner refused direct review and the commissioner then ultimately refused discretionary review, the silent judges refused me oral argument and upheld the judicial rulings of the ministerial section of their court.

What could be of more broad public import than disbursing a court trust fund to F. V. Betts who had used the people's money for a trial of deceit, betraying his client Beatrice Koker. He had been denied summary judgment for malpractice acts. The Supreme Court of the State is the sole jurisdiction over attorneys acts. To disburse trust funds from a court is shock to people.

Direct review cases accepted by State Supreme Court included refund on part of leasehold excise taxes, taxation on interrment certificates and other cemetery business, trespass to timber, damage to property, quiet oceanfront property title, even dissolution

of a handicapped person. But the case under the sole and direct jurisdiction over attorneys is even turned down discretionary review? The judges did-not rule, buty upheld the unconstitutional judicial rulings of the clerk and commissioner on the procedure "to modify."

In addition the court trust fund that had no rightful claim from Betts, is given him gratis for legal malpractice acts. Making then an issue of equal protection that any other litigant under my circumstances with legal malpractice rendered services shall be liable for attorney fees to profit a man from his wrong with court approved unjust enrichment?

My 37 pages of reasons for direct review asked by the court, in addition to grounds for review in the Notice of Direct Appeal, and the Supplementary Appeal, discounted and they rule "discretionary" on 13 lines from Betts.

The court clerk asked Betts to respond to the pleadings. He had not answered any

pleading in lower court as to his rendered services. The issues on appeal concerned mainly disbursement of court trust fund to compensate legal malpractice acts, forbidden by law. The court order was signed in court, and no copy presented to me before signing, and no copy after signing. In fact no copy to this day. My copy on this appeal is self-obtained from the file itself.

The procedure below denied me change of judges so that the summary judgment judge familiar with details of the malpractice acts, could rule on rendered services pertaining thereto. No continuance. It was a fast, swift, perfunctory proceedings that was not treated as special proceedings <u>after</u> judgment. (Years)

Betts submitted a response as asked and had not one relevant authority. He must be understood for that, because there is no authority to cover his theory of the case.

My objections to his answer are on record.

The discovery of "under color of law" was made through this response of Betts, and the details are in Jurisdiction "Under Color Of Law."

The record on appeal is permeated with the denials of Constitutional Rights and Constitutional rulings.

The commissioner opinion simply discarded the whole case. He who has his personal law clerks says in essence he could not even make a summary of my case. He ignored totally the issues of relevance to court trust funds and the rendered services without accounting. How does one account for legal malpractice?

The bias and prejudice and discrinination shows in the record when a clerk and commissioner in every method at their disposal got this case out of the court never to be heard.

I appealed the ruling and the court refused to "modify." No oral argument allowed when the Justices themselves in WASHINGTON APPELLATE PRACTICE advocate oral argument.

I made motion reconsideration of the Justices "modify" ruling and the clerk of the court "filed with no further action." I appealed to the Justices in the only way available "to modify" the clerk who has no right to make such a ruling. His reason concerns RAP 12.4

The Justices made their "modification" denial August 10, 1984. A clean sweep to lift the caseload.

(At all times to help lift the burden on the personnel, I made 5 to 9 copies of all my documents submitted to the court.)

On September 12, 1984, objections were filed by this appellant. The second "filed with no further action" followed from the clerk. The document is filed. The letter is in the APPENDIX C-13; The main body of this letter admits my objections to the meaningless appeal, to denial of federal rights and civil rights have been considered by the commissioner and

and the Justices and ruling all against me. Denial of everything. Such a meaningless appeal surely must qualify for jurisdiction of the United States Supreme Court.

What should have been a rather uncomplex appeal, grew into a pyriamid of denials of rights by the court itself, in addition to a blatant equal protection intercept in giving an attorney compensation for malpractice acts which by law cannot be done, and which the courts of this state have never done. From now on, any attorney in similar circumstances must be given compensation no matter what wrong he does.

It must also be taken into consideration, that then attorneys cannot be disbarred if they are paid for disbarment acts.

The precedent repercussions will be far-reaching in this state. The umbrella of protection and the favoritism of this attorney stems from my being a pro se and a midde aged woman as there is no reasonable answer otherwise.

The matters between me and a former attorney are not a long-standing feud. This is a matter of a client being legally annihilated from the actions of her attorney aiding and abetting another attorney in a trial. The Judge of the trial openly states the case is puzzling in 1976, and that if he had been the trier of the fact, the jury award of $4,600. would have been far greater from that Judge.

A permanent injury and $20,000. borrowed before trial is awarded a pittance of deceitful money because of my own attorney is hardly to be considered a "feud" when the crippled client seeks restitution.

Over eight years in courts is my lot from betrayal and injustice. The caseload of the court is also an enemey. The discovery leads to whistle-blowing. Attorneys have told me I have been shafted. That middle-aged woman without an education shall never prevail against an attorney. To allow the pro se to win because she is right would be an insult to the system.

This is not a long-standing feud. This is a long-standing denial. Over eight years in courts pro se is my lot from betrayal and injustice. The caseload congestion of courts is my enemy. Discovery of wrongdoing and wrongdoers leads to whistle-blowing and then discrimination and bias and prejudice.

References so you know my respect for the system and judges and justices and the legal profession itself is sincere. "REFERENCES" APPENDIX S-1 THROUGH S-4: AND APPENDIX G-20:

The appendix relating to the State Supreme Court will be found in APPENDIX C-13 which shows the federal questions are considered. APPENDIX C-1 through C-13 contains the orders, correspondence, denials from the State Supreme Court. APPENDIX D-1 and D-2: two telegram filings. APPENDIX E-1 THROUGH E-7: is the index to the docket filings on State Supreme Court Appeal.

A meaningless appeal.

STATEMENT OF THE CASE- ~~Superior~~ Supreme Court

WHERE AND HOW THE FEDERAL QUESTIONS RAISED

The: Superior Court
The: State Supreme Court

The federal right is-not required to be pleaded in any special or particular form. Section 237 of the Judicial code does-not require that the statute creating the federal right shall be specially set up. The courts take judicial notice of the statute. It is the right, privilege or immunity of Federal origin which must be brought to the attention of the state court.

In GREEN BAY & MISSISSIPPI CANAL CO V PATTEN PAPER CO., 172 U.S. 58, 67, it said:

> "But no particular form of words and phrases has ever been declared necessary in which to claim Federal Rights must be asserted. It is sufficient if it appears from the record that such rights were specially set up or claimed in the state court in such manner as to bring it to the attention of the court." 28 USCS §1257 B

In ROBY V COLEHOUR 146 US 153, 159 it was said that the jurisdiction of the United States Supreme Court being invoked on,

on the ground that a right or immunity, specially set up and claimed under the Constitution or authority of the United States, has been denied by the judgment sought to be reviewed, it must appear from the record the case either set up that right and expressly denied, or that such was the necessary effect in law of the judgment.

If it appears from the record, by clear and necessary intendment, that the Federal question must have been directly involved, so that the state court could not have given judgment without deciding it, that will be sufficient. POWELL V BRUNSWICK COUNTY 150 U.S. 433, 440: SAYWARD V DENNY 158 U.S. 180: CHICAGO, BURLINGTON &c. RAILROAD V CHICAGO, 166 U.S. 226:

It has never been required that a Federal right must be denied in terms, but it must have been that the state court necessarily denied it in the judgment rendered to be sufficient.

"The WHERE AND HOW FEDERAL QUESTIONS RAISED" WILL BE SET FORTH IN TWO PARTS.
I Superior Court. II State Supreme Court.

The meaningless appeal created Federal Questions above and beyond the federal questions in the Superior Court, with the same resultant deprivation of Federal Rights adverse to the Constitution of the United States.

In the appendix there is a statistical index referencing the CP numbers under Supreme Court Docket 020 certified as an Exhibit under affidavit properly filed. Superior Court: APPENDIX: F-F-1 and F-2:

The second statistical index in the appendix names and numbers the Supreme Court Docket Numbers of the meaningless-appeal files.

APPENDIX: E-1 Through E-7:

SET FORTH APPENDIX

√ Superior Court: APPENDIX Q-1 THROUGH Q-10:

√ Supreme Court: APPENDIX R-1 THROUGH R-29:

REASONS FOR GRANTING THE WRIT AND WHY THE QUESTIONS ARE SO SUBSTANTIAL

The unconstitutional element of this controversy involves disbursement of a court trust fund to compensate an attorney, when the record clearly proves Appellee's rendered services representing a client, are malpractice acts denied summary judgment. There is forfeiture of fees by law.

Access to the courts is the very premise upon which our Constitution is founded. The caseload in this state has intercepted the rights of appellants and blockaded the only means for proper disposition.

Victims of the caseload are the citizens, but neither do the Courts, Judges, Justices, Clerks, Commissioners, Law Clerks and Attorneys remain free of the overload in the courts.

The Courts have become Caseload-Camps and there is no longer room for the People.

The meaningless appeal is a substantial reason for review in your court. The attempted state remedies to control the caseload and even includes openly a Court Congestion Act deliberately. There is infraction upon the Constitution Law of the Land to control the caseload by raising court fees, thus financial choas denying access to the courts.

The case at bar is an example of the entire system of justice in jeopardy when a court ruling profits a man from a wrong, is given unjust enrichment, and has unclean hands, commits color of law to obtain court trust funds for himself while the order is in issue on appeal and he knows it.

All elements in this jurisdictional statement are substantial reasons for grant-this appeal. The system of justice is eroding from attempts to life the caseloads none of which has helped. The questions become more substantial when applied on a national basis both Federal and State.

CONCLUSION

The calendar crisis both State and Federal is so severe it threatens the courts' ability to effectively discharge vital responsibility, as Justice Burger and Justice Brennan have declared.

The repugnant statute of Court Congestion Act in the State of Washington raises the docket fee to lift the caseload which only denies people access to the court. Justice Rehnquist calls for absolition of absolute right to appeal in The Seattle Times/Seattle Post-Intelligencer Sunday, September 16, 1984 and says: (Asking for changes in the system)

> "The changes would include allowing federal appellate panels to refuse to review appeals from lower-court trials, Rehnquist said in a speech at the University of Florida Law School."
>
> "The result is a system ideally suited to a lawsuit by General Motors against IBM - -.- -"

Next to the article About Justice Rehnquist is an article that Justice Thurgood Marshall disagreed protecting the citizens rights.

There is an appearance of trauma and hysterical reaction to the congested court calenders, which yield to "try this" or "try that" to lift the caseload. Justice has become a hazardous obstacle court and sincere and legitimate claims of litigants has little chance to survive.

The Federal Constitution right to access to courts is guaranteed by the 14th Amendment and Amendment V and includes access to all courts, both state and Federal. Is the caseload to thwart that right?

There is public disrespect for the court system and the caseload domination is the reason why. This appeal enters the crux of caseload deprivation of Constitutional rights and the harm caused and shows the disrespect for courts is only the public conern, interest and most of all PUBLIC FEAR of the demise of our Constitution. That Constitution can be activated only by the elements of control of

the Judiciary and the legal profession. The destruction of many a massive dike began with a very small leak.

"Discretionary" is the key word to lift the court caseload, and I am also a victim of the same. The substituting of Commissioners and clerks to judicial rulings is to lighten the caseload for the Judges, but nevertheless is unconstitutionally denying access to Court.

The Superior Court is evermost weighing their decisions on the caseload of appeals. Where is there any law disbursing court trust funds to an attorney who committed legal malpractice acts?

I ask respectfully that you void the entire motion and appeal, and leave the trust fund in the Superior Court which shall then remain my property to do with as one who owns property has the right in whatever manner wished. The court trust fund will then be freed of the unconstitutional obstacles attached wrongfully.

P 6 4 Conclusion

The appellants are seeking the supervision of the United States Supreme Court, invoking the Court's jurisdiction in this appeal from the State Courts of Washington who have so departed from the accepted and usual course of judicial proceedings and has sanctioned such departure from the accepted and usual course of Judicial proceedings by a lower court as to call for the exercise of the supervision from the highest court of the land.

This appeal is in your jurisdiction for disbursement of a court trust fund in the hands or under control of the courts for forfeited attorney fees and costs.

This case is left with you, hoping it shall be decided on principles of substantial justice. This case is precedent in presentation to you on show-cause that the caseload is terminal to justice.

Submitted
Respectfully,

Beatrice E. Koker

Beatrice E. Koker
939 North 105th St.
Seattle, Washington
98133
PRO SE

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 5th
DAY OF December 1984.

Suzanne M Peralta

NOTARY PUBLIC IN AND
FOR THE STATE OF WASHINGTON
RESIDING AT Lynnwood

P65

CERTIFICATE OF SERVICE

I, Beatrice E. Koker, Appellant, hereby do certify that I made service of 3 copies (three copies) each of the Jurisdictional Statement and three copies (3) each of Part I and Part II of the Appendix upon:

BETTS, PATTERSON & MINES, P.S.
Frederick V. Betts
800 Financial Center - PERSONAL SERVICE
1215 Fourth Avenue
Seattle, Washington 98161 (206) 292-9988:

AND

I, Beatrice E. Koker, Appellant, hereby do certify I made service of the same on the:

ATTORNEY GENERAL OF THE STATE OF WASHINGTON
Mr. Ken Eickenberry CERTIFIED MAIL
TEMPLE OF JUSTICE
OLYMPIA, WASHINGTON 98504 (206) 753-6200:

NOTICE OF APPEAL FROM STATE SUPREME COURT OF STATE OF WASHINGTON TO THE UNITED STATES SUPREME COURT * JURISDICTIONAL STATEMENT AND APPENDIX DUE DECEMBER 10, 1984:

Done this day of December 7, 1984.

Beatrice E. Koker
Beatrice E. Koker, Pro Se
939 North 105th Street

84-911

NO. _____

Office - Supreme Court, U.S.
FILED
DEC 10 1984
ALEXANDER L. STEVAS
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

(1) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE,
Husband and wife, Defendants.

---

(2) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Respondents.

---

(3) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Appellees.

A-P-P-E-N-D-I-X

PART I

Beatrice E. Koker
Erich Koker
939 North 105th Street
Seattle, Washington
98133

(206) 783-6998
Appellants Pro Se

Parties To This Action: 2. and 3.

EXTENSION OF TIME GRANTED APPENDIX PART II-T

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

INDEX TO APPENDIX

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Superior Court:

A-1: A-2: A-3: Motion and Affidavit

Superior Court:

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C-1: Through C-13:

C-1: C-2: C-3: Whether Direct Or Discretion Ruled Discretionary

C-4: C-5: Commissioner's Ruling

C-6: C-7: Motion To Modify Commissioners Ruling and Order Denied

C-8: C-9: C-10: C-11: C-12: Motion For Reconsideration And Denied C-12:

C-13: Filed with no further action document of objections. This letter from clerk states the court considered the federal questions and denied.

D-1: D-2: COPIES OF TWO TELEGRAMS WITH OBJECTIONS AND ASKING FOR DELAY IN DISCOVERY OF "UNDER COLOR OF LAW" ACT BY BETTS

INDEX TO APPENDIX

PART I

E-1: THROUGH E-7:	State Supreme Court Docket File Index
F-1: F-2:	Superior Court King County CP file

This record to be found under State Supreme Court Docket 020:

G-1: Through G-25:	This is copy of appeal to United States Supreme Court with attachments
H-1: and H-2:	Copy of notices to King County Clerk not to disburse. Motion for reconsideration and appeal to State Supreme Court
I-1: I-2:	Copy of letter from County Official and Copy of note from State Official.
	F. V. Betts "under color of law" deceit to officials returned to Court Trust Fund in Superior Court
J-1:	Citation to second degree perjury for under color of law act of F. V. Betts

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

ERICH KOKER AND BEATRICE E. KOKER, HUSBAND AND WIFE,
Plaintiff,

V

NOEL B. SAGE AND WINETTA SAGE, HUSBAND AND WIFE, AND NOEL B. SAGE, JR.
Defendants

No. 773620

NOTE FOR MOTION DOCKET
(KC Local CR 40(a)(2

Hearing Date for Motion: January 5, 1984

Nature of Motion Motion and Affidavit for Disbursement of Funds

Dated:

Sign: /S/
FREDERICK V. BETTS
Lawyer for:
Plaintiffs

Superior Court

A-1

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ERICH KOKER AND BEATRICE E. KOKER, HUSBAND AND WIFE, Plaintiffs, Vs. NOEL B. SAGE AND WINETTA SAGE, HUSBAND AND WIFE, AND NOEL B. SAGE, JR. Defendants.	No. 773620 MOTION AND AFFIDAVIT FOR DISBURSEMENT OF FUNDS

COMES NOW Frederick V. Betts, for Betts, Patterson & Mines, P.S., petitions and moves the court for an Order for Disbursement of Funds pursuant to Judgment on Jury Verdict, entered June 30, 1976, and plaintiff's attorney's claim of lien, in the sum of ONE THOUSAND FIVE HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS ($1,533.33), plus expenses advanced in the amount of TWO HUNDRED THIRTY-EIGHT DOLLARS AND TWENTY-FIVE CENTS ($1,771.58).

This motion is based upon the aforementioned Judgment, Plaintiff's Attorney Claim Of Lien, and Affidavit of the undersigned attached hereto and incorporated herein by this reference.

DATED this _____ day of _____, 1983.

/S/
BETTS, PATTERSON & MINES, P.S.,

By: /S/
FREDERICK V. BETTS
Betts, Patterson & Mines
40th Floor
Bank of California Center
900 Fourth Avenue
Seattle, Washington 98164
(206)292-9988

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

FREDERICK V. BETTS, being first duly sworn on oath, deposes and says:

He is the former attorney for plaintiff, Erich Koker and Beatrice E. Koker, his wife, and that the reasonable and agreed compensation for services rendered, aggregating ONE THOUSAND SEVEN HUNDRED SEVENTY-ONE DOLLARS AND FIFTY-EIGHT CENTS ($1,771.38), has not been paid in full or part. That a Judgment in favor of plaintiff was entered on June 30, 1976, in the amount of FIVE THOUSAND FIVE HUNDRED EIGHTY-THREE DOLLARS AND NINETY CENTS ($5,583.90), and that said amount is currently in the registry of the court.

/s/
FREDERICK V. BETTS

SUBSCRIBED AND SWORN TO before me this 27th day of December 1983

/s/
Notary Public in and for the State of Washington residing in Edmonds, Washington

Superior Court

A-3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

ERICH KOKER and BEATRICE E. KOKER, HUSBAND AND WIFE, Plaintiffs, vs. NOEL B. SAGE AND WINETTA SAGE, HUSBAND AND WIFE, AND NOEL B. SAGE, JR. Defendants.	NO. 773620 ORDER DISBURSING FUNDS

This matter coming on to be heard by the undersigned Judge upon the Motion of Frederick V. Betts of Betts, Patterson and Mines, P.S., the court having reviewed the affidavit and the records and file therein.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Clerk of the King County Court is authorized to disburse ONE THOUSAND SEVEN HUNDRED SEVENTY-ONE DOLLARS AND FIFTY-EIGHT CENTS ($1,771.58) to Frederick V. Betts constituting full payment of attorney's fees due.

DONE IN OPEN COURT THIS 5 day of January 1984.

/s/
Lloyd Bever JUDGE

B-1

SUPERIOR COURT OF THE STATE OF WASHINGTON
For the County of King

Judge Lloyd Bever

Seattle, Washington
98104

February 9, 1984

To: Beatrice Koker Pro Se
and Fred Betts, Atty

Re: Koker, et al

V

Sage, et al

Motion for Reconsideration of

Order disbursing Attorneys

Fee is hereby denied.

/S/
Judge Lloyd Bever

Superior Court

B-2

THE SUPREME COURT
State of Washington
OLYMPIA
98504

February 16, 1984

Ms. Beatrice Koker, Pro Se
939 North 105th Street
Seattle, WA 98133

Betts, Patterson & Mines
Mr. F. V. Betts
900 Fourth Avenue
Bank of California Bldg.
Seattle, WA 98164

Dear Ms. Koker & Mr. Betts:

Re: Supreme Court No. 50265-0 - Erich Koker & Beatrice Koker v Noel B. Sage, et al.

King County No. 773620

We are in receipt of Mrs. Koker's Notice of Appeal, Supplemental Notice of Appeal and accompanying filing fee.

The cause has been filed and assigned the referenced Supreme Court cause number.

There is some question in our minds as to whether the decision from which review is sought is reviewable by appeal. We are accordingly preliminarily filing the matter as a Notice for Discretionary Review. The parties are requested to submit their views on this question within 15 days of receipt hereof.

Very truly yours,
/S/
Reginald N. Shriver Clerk

RNS:db
c.c.: Honorable M. Janice, Michels, Acting Clerk
King County Superior Court

DOCKET SHEET 013

C-1

SUPREME COURT

THE SUPREME COURT
State of Washington
OLYMPIA
98504 March 5, 1984

Ms. Beatrice Koker, Pro Se
939 North 105th Street
Seattle, WA 98133

Betts, Patterson & Mines
Mr. F. V. Betts
900 Fourth Avenue
Bank of California Bldg.
Seattle, WA 98164

Dear Ms. Koker & Mr. Betts:

Re: Supreme Court No. 50265-0 - Erich Koker & Beatrice Koker v Noel B. Sage, et al
King County No. 773620
Counsel:

We are in receipt of Mrs. Koker's "Direct Review or Discretionary Review," filed in response to our letter of February 16, 1984, and Mr. Bett's letter of March 1, 1984.

Mrs. Koker's pleadings will be considered a Motion for Discretionary Review and the matter will be set for consideration before the Supreme Court Commissioner on his April 12, 1984 Motion calendar. The matter will be determined without oral argument.

Counsel for respondent is requested to file a response to the motion no later than April 6, 1984.

Very truly yours,

/s/
REGINALD N. SHRIVER
Clerk

RNS:tt

DOCKET SHEET 0170 +024

SUPREME COURT

C-2

THE SUPREME COURT

State of Washington

OLYMPIA
98504

April 13, 1984

Mr. Erich Koker
Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines
Mr. Frederick Betts
40th Fl., Bank of California Center
Seattle, Washington 98164

Re: Supreme Court No. 50265-0- Koker, et ux, v Sage, et ux. King Co. No. 773620

Counsel:

Enclosed herewith is a conformed copy of Ruling Denying Motion for discretionary review, signed by the Supreme Court Commissioner April 12, 1984, in the above referenced cause.

Very truly yours,

/S/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS: lb

cc: Honorable M. Janice Michels,
Acting Clerk
King County Superior Court

024

SUPREME COURT

C-3

THE SUPREME COURT OF WASHINGTON

ERICH KOKER and BEATRICE E. KOKER, husband and wife, Petitioners, v. NOEL B. SAGE and WINETTA SAGE, husband and wife, and NOEL B. SAGE, JR., Defendants and FREDERICK V. BETTS, Respondent.	NO. 50265-0 RULING DENYING MOTION FOR DISCRETIONARY REVIEW

By a plethora of pleadings so varied and lengthy that they defy a summary description, pro se litigant Beatrice E. Koker once again seeks the intervention of this court in her longstanding dispute with attorney Frederick V. Betts. In particular, Ms. Koker seems to be requesting this court's review of a King County Superior Court order directing that court's clerk to disburse to Mr. Betts $1,771.58. That amount represents attorney fees and costs from a judgment of over $5,000 obtained by Ms. Koker in 1976 as the result

of a suit in which she was represented by Mr. Betts. Since Ms. Koker "refused" the judgment, these funds have been held in the registry of the court (or, more recently, by the State Department of Revenue as unclaimed property) since 1978.

A review of Ms. Koker's pleadings fails to convince me that the Superior Court committed obvious or probable error, or has significantly departed from the accepted and usual course of judicial proceedings. That being the case, there is no basis for discretionary review under the standards of RAP 13.5(b).

The motion for discretionary review is denied. This renders moot the other requests contained in Ms. Koker's pleadings.

DATED at Olympia, Washington this 12th day of April, 1984.

/s/
GEOFFREY CROOKS
COMMISSIONER

THE SUPREME COURT
State of Washington
OLYMPIA
98504 April 25, 1984

Mr. Erich Koker
Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines
Mr. Frederick Betts
40th Fl., Bank of California Center
Seattle, Washington 98164

RE: Supreme Court No. 50365-0 - Koker, et ux, v Sage, et ux King County No. 773620

Counsel:

Petitioners' Motion to Modify the Supreme Court Commissioner's Ruling entered in the referenced cause on April 12, 1984, was filed on April 23, 1984. The motion will be set for consideration without oral argument before a Department of the Court on its May 25, 1984 Motion Calendar.

Very truly yours,

/S/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS:lb
cc: Hon. M. Janice Michels, Acting Clerk
King County Superior Court

DOCKET SHEET 0260

SUPREME COURT

C-6

THE SUPREME COURT
State of Washington

OLYMPIA
98504

May 3, 1984

Mr. & Mrs. Erich Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines, P.S.
Mr. Frederick Betts
800 Financial Center
Seattle, Washington 98161

Supreme Court No. 50265-0- Erich Koker, et ux, v Noel Sage, et ux.

Counsel:

The following notation order was entered on May 3, 1984, by the Clerk of the Court in the above entitled case.

Motion for Oral Argument:

"By direction of the Chief Justice, the Motion for Oral Argument is denied.

/s/ Reginald N. Shriver
Supreme Court Clerk.

Very truly yours,

/s/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS:tt

DOCKET SHEET 030:

SUPREME COURT

C-7

THE SUPREME COURT
State Of Washington

OLYMPIA
98504

June 27, 1984

Mr. Erich Koker
Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines
Mr. Frederick Betts
800 Financial Center
Seattle, Washington 98161

Re: Supreme Court No. 50265-0- Erich Koker, et ux. v Noel B. Sage, et ux.

Counsel:

We are in receipt of the Motion for Reconsideration of this court's decision denying your Motion to Modify the Commissioner's Ruling.

RAP 12.4(a) provides in pertinent part as follows:

"A party may file a motion for reconsideration only of a decision terminating review which is not a ruling of the appellate court commissioner or clerk.

RAP 12.3 defines a "decision terminating review" as an opinion, order, or judgment of the appellate court if it:

(1) is filed after review is accepted by the appellate court filing the decision, and

(2) terminates review unconditionally, and

(3) is (i) a decision on the merits, or (ii) a decision by the judges dismissing review, or (iii) a ruling by a commissioner or clerk dismissing review, or (iv) an order to modify a ruling by the commissioner or clerk dismissing review.

(cont'd) C-8

The first criteria of a decision terminating review requires that it be filed after review is accepted. Review of this case was not accepted because the Motion for Discretionary Review was denied.

In view of the above, your Motion for Reconsideration will be filed without further action.

Very truly yours,

/S/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS:lb

THE SUPREME COURT
State of Washington

OLYMPIA
98504

July 10, 1984

Mr. Erich Koker
Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines
Mr. Frederick Betts
800 Financial Center
Seattle, Washington 98161

Re: Supreme Court No. 50265-0- Erich Koker et ux, v Noel B. Sage, et ux

King County No. 773620

Counsel:

Petitioner's Motion to Modify the Supreme Court Clerk's letter entered in the referenced cause on June 27, 1984, was filed on July 6, 1984. The motion will be set for consideration without oral argument before a Department of the Court on its August 10, 1984, Motion Calendar.

Very truly yours,

/s/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS:lb
cc: Hon. M. Janice Michels, Clerk
King County Superior Court

DOCKET SHEET 0360

SUPREME COURT

C-10

THE SUPREME COURT
State of Washington

OLYMPIA
98504

August 20, 1984

Erich and Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines, P.S.
Mr. Frederick Betts
800 Financial Center
1215 Fourth Avenue
Seattle, Washington 98161

Re: Supreme Court No. 50265-0 - Koker v Sage

Counsel:

Enclosed herewith is a conformed copy of the Order entered this day following hearing of the above matter on the Court's Motion Calendar.

Very truly yours,

/s/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS: krt
Encl.

DOCKET SHEET 0360

SUPREME COURT

C-11

THE SUPREME COURT OF WASHINGTON

ERICH AND BEATRICE KOKER, Petitioners, V NOEL B. AND WINETTA SAGE, Respondents.	NO. 50265-0 ORDER DENYING MOTION TO MODIFY CLERK'S RULING

This matter came on before the Court on its August 10, 1984 Motion Calendar on Petitioner's Motion to Modify Clerk's ruling. The Court having considered the Motion and the files herein:

Now, therefore, it is hereby

ORDERED:

That Petitioner's Motion to Modify Clerk's Ruling is denied.

DATED at Olympia, Washington this 10th day of August, 1984.

/s/
JAMES DOLLIVER
ACTING CHIEF JUSTICE

DOCKET SHEET 0360

SUPREME COURT

C-12

THE SUPREME COURT
State of Washington

OLYMPIA
98504

September 14, 1984

Mr. Erich Koker
Ms. Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines
Mr. Frederick Betts
800 Financial Center
Seattle, Washington 98161

Re: Supreme Court No. 50265-0- Erich Koker, et ux, v Noel B. Sage, et ux.

King County No. 773620

Counsel:

We are in receipt of a document you have entitled "Objections by Appellants to Meaningless Appeals, Objections to Denial of Federal Rights, and Objections to Denial of Civil Rights."

The "objections" you have raised have been considered by the Supreme Court Commissioner and denied on April 12, 1984, by the Court, and denied May 25, 1984, and again by the Court August 10, 1984, and denied. The decision of the Court is final. Additional pleadings in the matter are not allowable under the Rules, and will be filed without further action.

Very truly yours,

/S/
REGINALD N. SHRIVER
Supreme Court Clerk

RNS:lb
cc: Hon. M. Janice Michels, Clerk
King County Superior Court

C-13

Western Union MAILGRAM

2066217305 Seattle WA 86 04-19 o152A EST
PMS COMMISSIONER CROOKS, STATE SUPREME COURT
TEMPLE OF JUSTICE RPT OLY MGM, DLR
CAPITOL GROUNDS OLYMPIA WA
COURT #50265-O

OBJECTIONS TO YOUR RULING APRIL 12, 1984, DENYING DISCRETIONARY REVIEW

OBJECTIONS TO YOUR DENIAL OF DIRECT REVIEW PRIOR.

OBJECTIONS TO YOUR OPINION AND REASONS FOR DENIAL.

OBJECTIONS TO YOUR MISAPPREHENSIONS AND MISINTERPRETATION OF THE RECORD, FACTS, AUTHORITY, LAW AND EVIDENCE.

OBJECTIONS TO NOT POSTPONING RULING IN LIEU OF DISCOVERY NEW ISSUE UNDER COLOR OF LAW.

OBJECTIONS TO DENIAL OF ALL DUE PROCESS CONSTITUTIONAL RIGHTS.

RESPECTFULLY, YOUR RULINGS AND OPINIONS ARE IN MANIFEST ERROR AND SHALL BE APPEALED AND FILED TIMELY APRIL 23, 1984.

RESPECTFULLY,

BEATRICE E. KOKER, PRO SE
939 North 105th St. Seattle, WA 98133

939 North 105th St
SEATTLE WA 98133

01:53 EST

MGMCOMP

Appendix D-1

Western Union MAILGRAM

2067836998 NL TDBN SEATTLE WA 78
04-16 0236A EST
PMS COMMISSIONER CROOKS RPT DLY MGM, DLR
STATE SUPREME COURT OF WASHINGTON
TEMPLE OF JUSTICE
OLYMPIA WA 98504

SUPREME COURT #50265-0

TELEGRAPHIC NOTICE OF DOCUMENT IMPERATIVE TO FILE YOUR COURT THIS WEEK OF APRIL 16 TO THE 20TH.

PETITIONER ASKING COURT TO CONTINUE WITHHOLDING RULING. RECENT DISCOVERY COURT TRUST FUNDS UNLAWFULLY REMOVED BY ATTORNEY. ACT DONE DELIBERATELY, INTENTIONALLY, KNOWINGLY, WITH FORSEEABILITY.

THERE IS "APPEARANCE" ADVERSE TO COURTS.

STATE AND COUNTY OFFICIALS ASKED ATTORNEY TO RETURN MONEY TAKEN FROM COURT TRUST FUND. DETAILS AND EXHIBITS AND DOCUMENTS TO FOLLOW.

BEATRICE E. KOKER, PRO SE 939 NORTH 105th ST SEATTLE WA 98133

02:37 EST
MGMCOMP

appendix D-2

TITLE #50265-0	FILE NUMBER	DATE FILED	SUPREME CT. DOCUMENT FILE
NOTICE OF APPEAL - DIRECT REVIEW AND STATEMENT OF GROUNDS FOR DIRECT REVIEW BY THE STATE SUPREME COURT	011	2/6/'84	2/14/'84:
OTHER FILING - SUPPLEMENTAL NOTICE OF APPEAL FOR DIRECT REVIEW TO THE STATE SUPREME COURT RE: RULING OF MOTION RECONSIDERATION COMING AFTER THE 30-DAY APPEAL DATE	012	2/10/'84	2/16/'84:
VIEWS ASKED FOR BY SUPREME COURT RE: DIRECT REVIEW OR DISCRETIONARY REVIEW APPELLANTS' ANSWER	014	3/2/'84	3/2/'84:
OTHER FILING RE: WHETHER THIS MATTER SHALL BE DIRECT REVIEW	018	3/5/'84	3/5/'84:

TITLE #50265-0	FILE NUMBER SUPREME COURT	DATE FILED	SUPREME CT. DOCUMENT FILE DATE
THIS DOCUMENT REGARDING: "LETTER FROM STATE SUPREME COURT ASKING F. V. BETTS TO FILE RESPONSE TO PLEADINGS OF BEATRICE KOKER ON THE MATTERS BEFORE THE COURT:" DISBURSEMENT COURT FUNDS "AFFIDAVIT ATTACHMENT" EX. APPENDIX	020	3/12/'84	3/13/'84: This is an affidavit and copy of pleadings in lower court to be answered. CP SUPERIOR COURT.
"ADDITIONAL AUTHORITY RAP 10.8 RE: ADDITIONAL MATTER"	021	3/28/'84	3/28/'84:
RESPONSE TO MOTION BY FREDERICK V. BETTS	016	4/6/'84	4/6/'84:
OBJECTIONS BY APPELLANT TO RESPONDENTS RESPONSE AND THE GROUNDS FOR THE OBJECTIONS AND REFUTING INACCURACIES.	022	4/9/'84	4/9/'84:

TITLE	#50265-0	FILE NUMBER SUPREME COURT	DATE FILED	SUPREME COURT DOCUMENT FILE DATE
UNDER COLOR OF LAW ACT BY F. V. BETTS ACCELERATED POSTPONEMENT TO ALLOW STATE AND COUNTY TO GET THE FUNDS BACK BEATRICE KOKER ASKS POSTPONEMENT OF APRIL 12th RULING UNTIL THIS MATTER IS SETTLED		023	4/11/'84	4/11/'84:
APPEALING COMMISSIONER CROOKS RULING DENYING DIRECT REVIEW AND DENYING DISCRETIONARY REVIEW Controversy: Shall an attorney who represents client, committing malpractice acts and breaches his fiduciary duty, be paid fees from court trust fund when there is forfeiture by law and authority?		025	4/23/'84	4/23/'84

SUBJECT: ORAL ARGUMENT

TITLE	#50265-0	FILE NUMBER	DATE FILED	SUPREME COURT DOCUMENT FILE DATE

Beatrice Koker made motion for oral argument. The Supreme Court Commissioner denied the motion. I appealed RAP 17.7 to the Justices. The Chief Justice of State Supreme Court denied oral argument. The Court Rules allow appealing the Chief Justices ruling when made under RAP 17.7 for the panel. The oral argument denied again.

MOTION TO APPEAR FOR ORAL ARGUMENT	0290	5/3/'84	5/3/'84:
NOTATION ORDER BY DIRECTION OF THE CHIEF JUSTICE THE MOTION FOR ORAL ARGUMENT IS DENIED	030	5/3/'84 By The Court	5/3/'84

NOTE: MOTION DENIED SAME DAY AS FILED

ORAL ARGUMENT IS IMPERATIVE: APPEALING CHIEF JUSTICE'S RULING	0310	5/9/'84	5/16/'84:

Note: Court Rules Allow Appealing The Chief Justice's Ruling under an RAP 17.7 for the Complete Panel Of Justices.

State Supreme Court

TITLE	#50265-0	FILE NUMBER SUPREME COURT	DATE FILED	DATE OF SUPREME CT DOCUMENT FILE
(NOTICE AND (MOTION RAP 17.7	ORAL ARGUMENT	0310	5/9/'84	5/16/'84:
(Motions 18.8 (Review Of Chief (Justice's Ruling)	ORAL ARGUMENT			
Second RAP 17.7 Appealing Chief Justice's Denial Of Oral Argument				
PETITIONER ALLEGES THAT RESPONDENTS RESPONSE IS FRIVOLOUS		033	5/21/'84	5/21/'84
NOTICE AND MOTION FOR RECONSIDERATION			6/4/'84	

And

This Document Filed With No Further Action By Clerk - RAP 17.7 Next Page

OBJECTIONS TO ALL RULINGS
OBJECTIONS TO ALL NON-RULINGS

MOTION TO JUDGES ONLY

ONLY JUDGES RECONSIDER THEIR RULING

RAP 12.3 (3)(iv): (a)RAP 12.5(c)(1): RAP 17.2(a)(3):

TITLE	#50265-0	FILE NUMBER SUPREME COURT	DATE FILED	DATE OF SUPREME COURT DOCUMENT FILE
RAP 17.7 (Clerk's & Commissioner's Judicial rulings are unconstitutional)		0360	7/6/'84	7/6/'84:

NOTICE AND MOTION THAT MOTION FOR RECONSIDERATION FILED JUNE 4, 1984 BE RULED UPON BY THE JUSTICES OF THE STATE SUPREME COURT ONLY

THE CLERK FILED Motion for Reconsideration WITH NO FURTHER ACTION - Challenged

RAP 17.7 TO REMOVE THE CLERK'S DENIAL OF ACCESS TO THE COURT BY PERVERTING THE COURSE OF JUSTICE AGAIN. Challenged.

THE COURT JUSTICES ARE THE ONLY SOURCE OF RULING ON A RECONSIDERATION OF THEIR OWN RULING

MOTION INCLUDES RELATING BACK IN RECONSIDERATION TO THIS APPEAL AND PRIOR:

SUPPLEMENTARY TO RAP 17.7		037	7/30/'84	7/30/'84:

COURT CONGESTION RULES AND LAWS UNCONSTITUTIONAL

State Supreme Court

TITLE	#50265-0	FILE NUMBER SUPREME COURT	DATE FILED	DATE OF SUPREME COURT DOCUMENT FILE
RE: MOTION TO COMPEL FILED MAY 3, 1984 NEVER RULED		0380	8/6/'84	8/6/'84:

PETITIONERS RESPECTFULLY ASKING FOR RULING ON THIS MATTER WITH THE MOTION AND SUPPLEMENTARY BEFORE YOUR COURT TO BE RULED AUGUST 10, 1984.

MOTION TO COMPEL ATTACHED HEREIN

OBJECTIONS BY APPELLANTS TO MEANINGLESS APPEAL.		_____	9/12/'84	_____

OBJECTIONS TO DENIAL OF FEDERAL RIGHTS. OBJECTIONS TO DENIAL OF CIVIL RIGHTS.

COPY OF OBJECTIONS TO TRANSCRIPT OF PROCEEDINGS OF DISBURSEMENT		015	2/27/'84	2/27/'84:

State Supreme Court

STATE SUPREME COURT WASHINGTON
DOCUMENTS FILED IN SUPERIOR COURT

NUMBER	TITLE
CP 026 -	"NOTICE AND PRESENTATION OF PROPOSED ORDERS REGARDING MOTION FOR DISBURSEMENT OF COURT FUNDS - ATTORNEY Lien- BY BEATRICE E. KOKER (Order Ignored By Judge)
CP 005 -	"BEATRICE KOKER'S MEMORANDUM IN OPPOSITION TO F. V. BETTS' MEMORANDUM IN SUPPORT OF HIS MOTION (Late Filing Was Answered)
CP 006 -	"F. V. BETTS MEMORANDUM IN SUPPORT OF ORDER DIRECTING CLERK TO DISBURSE FUNDS." "This was served personally on Beatrice Koker - approximately 4 p.m. Jan 4, 1984 - hours before Jan 5th hearing. All night was spent answering this late filing by Mr. Betts. Late memorandum of F. V. Betts unfair to Judge and opponent.)
CP 007 -	"ORDER DISBURSING FUNDS TO F. V. BETTS" (ORDER SIGNED IN COURT)
CP 008 -	"BEATRICE KOKER NOTICE TO DISBURSEMENTS OF MOTION FOR RECONSIDERATION."
CP 009 -	"NOTICE AND MOTION FOR RECONSIDERATION BY BEATRICE KOKER"
CP 010 -	"AFFIDAVIT OF SERVICE BY BEATRICE KOKER"

Superior Court APPENDIX F-1

APPENDIX AND EXHIBIT DOCUMENT UNDER NUMBER 020 - STATE SUPREME COURT DOCUMENTS FIRST FILED IN SUPERIOR COURT

CP 105 - "ORDER VACATING ORDER DISBURSING FUNDS FOR DISBURSEMENT FOR ATTORNEY FEES - BY BEATRICE KOKER" (Ignored By Judge)

CP 011 - "MEMORANDUM OF LAW & FACTS ADDITIONAL - MOTION FOR RECONSIDERATION NOT YET YET RULED - CONTROVERTING DISBURSEMENT BY BEATRICE KOKER"

CP 012 - "ADDITIONAL LAW ON POINT - MOTION FOR RECONSIDERATION NOT YET RULED - CONTROVERTING DISBURSEMENT BY BEATRICE KOKER"

CP 013 - " RE: POST TRIAL MOTION DISBURSEMENT - NOTIFICATION TO DISBURSEMENT OF DIRECT REVIEW TO STATE SUPREME COURT BY BEATRICE KOKER"

CP 016 - "MOTION FOR RECONSIDERATION DENIED"

CP 017 - "OBJECTION TO TRANSCRIPT OF PROCEEDINGS OF HEARING ON MOTION DISBURSEMENT HELD JANUARY 5, 1984 - BY B. KOKER"

THE "OUTSIDE-THE-COURT" COURT REPORTER STATES THE HEARING LASTED 1/2 HOUR. I NOTICED MISSING ELEMENTS OF THE ORAL ARGUMENT, AND THE TRANSCRIPT STATES 15 MINUTES. A TAPE WAS USED IN CONJUNCTION WITH COURT REPORTER MACHINE, BUT THE TAPE WAS IMMEDIATELY DESTROYED, THERE IS AN AFFIDAVIT BY CALENDAR CONTROL OF TWO ATTORNEYS COMMENTING ON THE LENGTH OF HEARING BEING CONSIDERABLY LONGER THAN MOST OF THE OTHER MATTERS HEARD. POSTED TO THE APPENDIX SECTION HEREIN: _____

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

TITLE OF 1976 TRIAL WHICH FREDERICK V BETTS USED FOR DISBURSEMENT IN SUPERIOR COURT.

ERICH KOKER and BEATRICE E. KOKER, husband and wife,
Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE, husband and wife, and NOEL B. SAGE, JR.,
Defendants.

NO. 50265-0
State Supreme Court

NOTICE OF APPEAL FROM STATE SUPREME COURT OF WASHINGTON STATE

THE APPEAL IS FROM JUDGMENT, ORDER AND FOR DISBURSEMENT OF COURT TRUST FUNDS. (TRUST FUNDS)

TITLE ADDED ON STATE APPEAL BY THE APPELLANTS TO IDENTIFY THE PARTIES.

ERICH KOKER and BEATRICE E. KOKER, husband and wife,
Petitioners,
(State Supreme Court
(Appellants - Herein

V

FREDERICK V. BETTS, of the LAW FIRM OF BETTS, PATTERSON AND MINES.
Respondents.
(State Supreme Court)
(Appellees - Herein)

DISBURSED TO ATTORNEY APPELLEE BETTS COMPENSATING FOR REPREHENSIBLE LEGAL MALPRACTICE ACTS WHICH PRIOR DENIED SUMMARY JUDGMENT. 2nd DEGREE PERJURY.

THERE IS COMPLETE FORFEITURE FOR LEGAL FEES AND COSTS FROM ANY SOURCE BY ALL FEDERAL CONSTITUTIONAL LAW AND AUTHORITY.

FREDERICK V. BETTS DID NOT MENTION HIS FORMER LAW FIRM OF SKEEL, McKELVEY, HENKE EVENSON AND BETTS WITH WHOM APPELLEE ASSOCIATED AS A MEMBER OF THAT LAW FIRM IN TRIAL OF 1976.

THERE IS MEANINGLESS APPEAL AND JUDICIAL RULINGS FRO THE COMMISSIONER AND CLERK OF THE STATE SUPREME COURT.

COPY OF APPEAL TO UNITED STATES SUPREME COURT

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

DATED: OCTOBER 26, 1984

THE APPEAL IS NOTARIZED ON THE LAST PAGE. QUOTE:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF OCTOBER 19 84.

?S/
Suzanne M. Perelta
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
/S/
RESIDING AT
Lynnwood

THERE ARE NON-RULINGS EVADING AND AVOIDING, AND COMPLETELY IGNORING THE ISSUE OF FORFEITURE.

THERE ARE STATUTES REPUGNANT TO THE FEDERAL CONSTITUTION. APPEALING DENIAL OF ACCESS TO THE COURTS. DENIAL DUE PROCESS RIGHT.

APPEALING DENIAL OF CIVIL RIGHTS, CONSTITUTIONAL RIGHTS, 14th AMENDMENT RIGHTS, PROPERTY RIGHTS.

APPEALING THE DENIAL OF PUBLIC IMPORT RECOGNITION IN MEANINGLESS APPEAL WITH THE APPEARANCE OF INTENTION. ALL RELATED BACK ALSO.

THIS APPEAL TAKEN PURSANT TO 28 U.S.C. §1257 (2)(3) PURSUANT TO CONSTITUTION OF THE UNITED STATES, JUDICIARY ACT OF 1789: 14th AMDNEMENT.

PURSUANT TO 42 USCS §1982-1984-1983-1985 1986

COPY OF APPEAL TO UNITED STATES SUPREME COURT

D-2

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Beatrice E. Koker and Erich Koker, already named appellants on title page, hereby appeal to the Supreme Court of the United States from the final judgment of the Supreme Court of the State of Washington, whose Commissioner and Clerk made judicial rulings and denied direct review (though they were in doubt) and then denied discretionary review of an order disbursing court trust funds to pay contingency fees and costs FORFEITED by law, to an attorney who committed legal malpractice acts and was denied summary judgment prior, proven from a record. The final judgment disbursed court trust funds which are the PROPERTY OF BEATRICE KOKER UNDER CONSTITUTION LAW OF THE UNITED STATES to do with as my conscience dictates. What I do with it and where it goes has no bearing on the question of court trust funds to someone who has forfeited a right to any compensation. The final judgment is a serious national concern affecting public issues, public interest, public import,

and personal aggrievance and outrage to the appellants. This case is-not just a mere squabble between a client and her former attorney. This final judgment under the equal protection of the Constitution of the United States allows any attorney in the state of Washington forfeiting his fee and costs, to get paid anyway. The judgment from the Commissioner and Clerk of the State Supreme Court is tennacled with cover-up of second degree degree perjury, in which appellee Betts under-color-of-law and under oath, deceived state and county officers in their duty, and collected fees and costs while the matter is into appeal and he knows it. (Money collected back) Attachment (A):(B):

Notice is hereby given that appellants Kokers appeal the final judgment as coming from a meaningless appeal, which includes evading, avoiding, and bears bias, prejudice, favoritism, discrimination in the message from the final judgment - pay the wrongdoer.

Notice is hereby given this appeal includes caseloads and the attempted state remedies for lifting the caseload which denies access to the courts by unconstitutionally using statutes repugnant to the Federal Constitution of the United States. Deliberately.

Notice is hereby given this final judgment is appeal to the United States Supreme Court that the Commissioner and Clerk of the State Supreme Court made all the judicial rulings in this meaningless appeal, and did so contrary to Federal law as per ARTICLE III Note 66 and 67 of the Constitution of the United States. The justices of the State Supreme Court refused to modify any judicial ruling made by Commissioner and Clerk. The Clerk filed a document with "no further action," cutting off access to the court. I am appealing the final judgment as appearance of aiding and abetting a wrongdoer in a meaningless appeal and denial of rights and protection.

ALL RULINGS BY COMMISSIONER AND CLERK
ATTACHMENT (D):

Notice is hereby given to asserting deprivation ny state courts of fundamental rights of the United States Constitution and that to reach the final judgment of this case at bar, the State Supreme Court shall have considered the Federal questions, and considered denial of Constitutional Rights, denial of civil rights and denial of my property court trust fund in entirety.

Notice is hereby given that this appeal to your court is for denial of access to the state courts by unlawful rulings and non rulings and unlawful judgment in lower court upheld on appeal by tacit review.

Notice is hereby given that state statutes are deliberately and intentionally passed to lift the case load by denying access to the court in financial obstacles and are repugnant statutes to the Constitution

of the United States. The caseload of state courts has become unconstitutional fodder repelling my right to access to the courts. Intentional statute.

Notice is hereby given that the final judgment from State Supreme Court from the Commissioner and Clerk of that court, has ignored authority on the subject of that appeal. Appellee submitted two or three irrelevant authorities. As an example: "1921 Maternity Act". Beatrice Koker had an accusation of "pleading plethora" which was abundant with Federal authority, United States Supreme Court authority, Circuit decision authority, and even their own rulings in state Supreme Court. Yet the final judgment is for appellee who has forfeited fees and costs and now in final judgment will be compensated unless this court accepts.

Notice is hereby given of appeal of final judgment the process of which is totally devoid of application to rights of the

States.)

Notice is hereby given that appealing disbursement of court trust funds for contingency fees and costs for appellee as per the final judgment is relevant to re-opening the case of legal malpractice against Frederick V. Betts and for just the attempt whether ultimately compensated or not.

Notice is hereby given that as the toll of injustice now stands temporarily indelible, is that the appellee is paid for forfeiture and serious repugnant acts of legal malpractice, and Beatrice Koker stands bereft of all compensation of permanent injuries which have crippled her for life.

Notice is hereby given that Beatrice E. Koker has lost $141,000. just for the drop foot injury. The price of the injury set by the Court of Appeals Division I State of Washington, as "sensible award for a drop foot

injury is $145,000." The appellee has robbed me of my property and my inherent citizen's birthright or redress and remedy for injury. The courts have aided him in rulings, the Commissioners and Clerks are involved. The caseload does its share to help the wrongdoer.

Notice is hereby given in lieu of the nature of the circumstances of malpractice acts. Appellee is anxious to abscond with the court trust fund and while the party who spoils the jury award with malpractice acts is not shy to dip again at the tainted deceitfully obtained award. While the injured-for-life party lives with integrity that my property of court trust funds shall follow my intention for disbursement on the record.

Appellants respectfully ask the United States Supreme Court to free the court trust fund which in final judgment is to be disbursed by state courts in an encumberance-of-shame. This also involves my property rights.

This appeal notice is hereby given as taken pursuant to seeking the supervision of the United States Supreme Court, invoking their jurisdiction in this appeal to Washington State Supreme Court who has so departed from the accepted and usual course of judicial proceedings and have sanctioned such a departure from the accepted and usual course of judicial proceedings by a lower court, as to call for the exercise of the supervision and justice from the highest court of the land.

"It is essential criterion of appellate jurisdiction that it revises and corrects proceeding in cause already instituted, and does not create that cause."
28 USCS §1257 Note 1:

"An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of courts."
1 United States Supreme Court Digest 722 §73 d.

"The courts cannot create a new constitution and laws and court-

made rules of expediency must not be placed above the Constitution."
Constitution of the United States
ARTICLE III Note 12 p 35:

RESPECTFULLY ASKING FOR ORAL ARGUMENT PRO SE IF THE JURISDICTION IS ACCEPTED.

This appeal is taken pursuant to 28 U.S.C. §1257 (2)(3) and all the rights, immunities and privileges thereto.

PURSUANT TO: BUT NOT LIMITED TO:

Judiciary Act of 1789

Constitution of the United States

Fourteenth Amendment

All rights as a citizen of the United States Of American.

All rights as a citizen of the State of Washington.

THE FINAL RULING AND FINAL JUDGMENT IS AUGUST 10, 1984. SET FORTH ENTIRE RULINGS BY COMMISSIONER AND CLERK AND MOTIONS TO MODIFY. ALL DENIED. ATTACHMENT (D):

Respectfully submitted,

/S/ Erich Koker

/S/ Beatrice E. Koker, Pro Se

939 North 105th Street Seattle, Washington 98133 (206)783-6998.

H-11

COPY OF APPEAL TO UNITED STATES SUPREME COURT

ATTACHMENTS

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

(A)(B) Appellee removed court trust funds while the order was on appeal. Done under color of law and by oath.

This attachment is a letter to Mr. Joel F. Graham, Supervisor in the State Unclaimed Property Section and he has returned the entire amount to the trust fund of the court where it belongs.

Mr. Betts, appellee, knew the true status of this money AS NOT ABANDONED or he would not have instigated proceedings on a lien. This act under color of law deceived the state and county officials and they collected the money court trust fund and returned it to Superior court trust fund account.

On the last page of this attachment, there is a memo from the state officer informing me Mr. Betts returned the money he falsely obtained.

COPY OF APPEAL TO UNITED STATES SUPREME COURT

I, Beatrice E. Koker, do certify this attachment to be a true filed copy titled: "COUNTY AND STATE OFFICIALS RESTORED THE COURT TRUST FUNDS AFTER UNDER COLOR OF LAW REMOVAL BY F. V. Betts (Repeat Deceit) (Two Others On Record.)

/s/
Beatrice E. Koker, Pro Se
939 North 105th Street
Seattle, Washington 98133

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF October 19 84 .

/s/
Suzanne M. Perlta
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

/s/ Lynnwood
RESIDING AT

FILED OCTOBER 29, 1984:

The appellants Erich Koker and Beatrice E. Koker have taken this appeal in good faith, and not for the purpose of delay.

/S/
Beatrice E. Koker, Pro Se

SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th DAY OF October 19 84.

/S/
SUSANNE M. PERALTA
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

Lynnwood
RESIDING AT

4-14

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON KING COUNTY

ERICH KOKER and BEATRICE E. KOKER, husband and wife,

Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE, husband and wife, and NOEL B. SAGE, JR.,

Defendants.

Title Case For Disbursement Fight)

DO NOT DISBURSE THIS COURT TRUST FUND TO ANYONE. DESTINATION AFTER ALL APPEALS - TO ASSIGN TO PEOPLE WHO PAID FOR IMPROPER MISTRIAL 1975, AND A TRIAL OF DECEIT AND UNTRUTHS AND CONCEALMENT IN 1976. I HAVE ASKED IN CAUSE 864509 FOR $21,000. TO BE REIMBURSED TO THE SOVEREIGN CITIZENS WHO PAID FOR TRIALS

Beatrice Koker, et ux,
Appellant Petitioner,

F. V. Betts, et ux, et al
Respondent.

Superior Court:
773620

Supreme Court:
50265-0

DO NOT DISBURSE
COURT TRUST FUND

THE DENIAL OF BEATRICE KOKER'S APPEAL IN STATE SUPREME COURT SHALL BE APPEALED TO THE UNITED STATES SUPREME COURT WITHIN THE PROPER STATUTORY TIME FROM EXHAUSTION OF ALL REMEDIES IN THE STATE OF WASHINGTON

SUPERIOR COURT
TRUST FUNDS IN
CASE 773620
ARE-NOT TO BE
DISBURSED

COUNTY AND STATE
OFFICIALS RESTORED
THE COURT TRUST
FUNDS AFTER UNDER
COLOR OF LAW REMOVA
BY F. V. BETTS
(Repeat Deceit)
(Two Others On
Record)

Copy Of Appeal To United
States Supreme Court
ATTACHMENT A B

A-15
Attachment

This is notice that Beatrice E. Koker, et ux, will appeal the denial of appeal decision on all issues to the United States Supreme Court. This shall include the issue of "under color of law" by F. V. Betts. Disbursement of funds while a court order is in controversy on appeal, and concealing that fact from the Financial Manager and a state official also. The officials saw to it the court trust funds are returned but F. V. Betts is still under "color of law" and subject to §1982-1983-1984-1985 and other.

Two notices were put into the file notifying the Superior Court Clerk's Office that there would be a motion for reconsideration, and then an appeal and not to disburse the funds. (Jan & Feb 1984)

The funds were disbursed allegedly from deceit and concealment and signing of an affidavit under penalty of law.

Please do-not make this another

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT A B

4-16 attachment

happening under color of law again. There will be appeals to the highest court of the land. In 1 UNITED STATES SUPREME COURT DIGEST 722 S73 d. it says:

> "An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands of or under the control of the court."

Please diligently guard the rights of this case and leave the court trust fund right where it is as per the Finance Manager's letter attached. And the note from the State Official.

I am aware of the 2 year statute regarding this matter. The Superior Court of King County and the State Supreme Court shall receive notice when the appeal is sent to the United States Supreme Court within their time requirement.

/s/
Beatrice E. Koker
939 North 105th St
Seattle, Wn. 98133
Telephone: 783-6998

PLEASE DO NOT DISBURSE COURT TRUST FUNDS OF 773620 TO F. V. BETTS OR ANYONE ELSE. ON APPEAL.

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT A B

G-17 attachment

King County Executive
Randy Revelle

Department of Judicial Administration
M. Janice Michels
Director and Superior Court Clerk

April 11, 1984

Mr. Joel F. Graham, Supervisor
Unclaimed Property Section
Department of Revenue
1101 South Eastside
Olympia, WA 98504

RE: Certificate of Holder for King County Case number 773620

Dear Mr. Graham:

On January 27, 1984, this department filed a claim certifying Frederick V. Betts as the owner of $1,771.58 in unclaimed funds listed under the above case number. Judicial Administration's certificate was based on a King County Superior Court order filed January 5, 1984 that identifies Mr. Betts as the owner.

Since that time, additional issues have been filed in this case which cause this department to withdraw all funds previously reported to you as abandoned property for this case, namely:

1. The order establishing Frederick V. Betts' ownership of $1,771.58 was appealed by Beatrice Koker on January 6, 1984.

2. The level of judicial activity on this case renders the case and all trust funds held by this office active and in dispute by known claimants.

Therefore, the Certificate of Holder transmitted to you on January 27, 1984 is withdrawn as null and void. Please return that document to this department.

COPY OF APPEAL TO UNITED STATES SUPREME COURT ATTACHMENT A B

H-18 attachment

Further, I enclose a Certificate of Holder which certifies this department's claim to the entire amount of $5,583.90 previously reported to you as abandoned property. Please return the funds to this office where they will be held in trust pending adjudication.

If you have any questions, please call me at 344-3891.

Sincerely,

/s/
Alan J. Erickson
Finance Manager
AJE/yw

cc: Frederick V. Betts
Beatrice E. Koker

The handwritten note below is from Mr. Joel Graham, Supervisor Unclaimed property who says that per his recent telephone call to Betts, Mr. Betts returned the money for $1,771.58. Admission of wrong recognized by officials who took action to rectify the fund.

4-17-84

Mrs. Koker

Per my recent phone call Mr. Betts returned the warrant for $1,771.58 and all funds ($5,583.90) are being returned to King County.

/s/
Joel Graham

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT A B

D-19
attachment

Beb. 3, 1984

To whom it may concern:

On January 5, 1984, two attorneys came to my desk. Both had come from the Daily Motions Calendar, being heard that morning by the Honorable Lloyd Bever.

Both attorneys remarked on the eloquence and expertise in legal knowledge of a female pro se who had appeared that morning on the calendar. Beatrice Koker was the only female Pro Se before Judge Bever's court that morning.

They also commented on her poise before the court, her ability to adequately defend herself, and the length of time the Judge allowed for the hearing of the motion, which was considerably longer than most of the other matters heard. The attorneys also wondered if she indeed might really be a Pro Se attorney.

Notary Public Seattle
Wa. King County
Eleanora Galley

/s/
Ellen L. H. Fawcett

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT C

D-20
attachment

ATTACHMENT (D)

THE FINAL RULING IS AUGUST

AUGUST 10, 1984

HEREIN THE LAST RULING AND ORDER

AND THE ENTIRE CASE HISTORY OF

50265-0 (State Supreme Court)

I, Beatrice E. Koker, do certify the last order and ruling to be final in the State of Washington and a true copy. The rulings of the Commissioners and Clerk taken from the attachment of true copy of Case History from the Supreme Court of Washington.

/S/
Beatrice E. Koker, Pro Se
939 North 105th Street
Seattle, Washington 98133

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF October 1984.

/S/
Suzanne M. Peralta
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

Lynnwood
RESIDING AT

D-21
attachment

COPY OF APPEAL TO UNITED
STATES SUPREME COURT
ATTACHMENT (D)

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

RULINGS	FILED
Commissioner's Ruling Motion for discretionary review heard, as direct review already discarded by COMMISSIONER	4/12/'84
Commissioner's Ruling denying Motion for discretionary review.	4/12/'84
Motion to Modify Commissioners ruling heard May 25, 1984.	5/25/'84 DENIED
Motion for oral argument DENIED by Chief Justice where motion to modify is the same as a Commissioner ruling, by rule.	5/3/'84
Motion to modify Chief Justice's denial of oral argument heard	5/25/'84 DENIED
Motion to modify Clerk's Ruling heard on 8/10/'84	8/10/'84

FINAL JUDGMENT RULING AUGUST 10, 1984:

I, Beatrice E. Koker, so certify the following to be a true filed copy of an affidavit of Ellen L. H. Fawcett of the reaction to my oral argument in Superior Court controverting and rebutting Frederick V. Betts motion for disbursement of court trust funds for representation of myself with legal malpractice acts and misdeeds. There were many attorneys at the hearing and they were favorable to my position. Please look to Attachment [c]

/s/
Beatrice E. Koker

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT (D)

G-22
attachment

THE SUPREME COURT
State of Washington

OLYMPIA
98504

August 20, 1984

Erich and Beatrice Koker
939 North 105th Street
Seattle, Washington 98133

Betts, Patterson & Mines, P. S.
Mr. Frederick Betts
800 Financial Center
1215 Fourth Avenue
Seattle, Washington 98161

Re: Supreme Court No. 50265-0 Koker v Sage

Counsel:

Enclosed herewith is a conformed copy of the Order entered this day following hearing of the above matter on the Court's Motion Calendar.

Very truly yours,

/s/
REGINALD N. SHRIVER
Supreme Court Clerk

COPY OF APPEAL TO UNITED
STATES SUPREME COURT
ATTACHMENT (D)

J-23
attachment

THE SUPREME COURT OF WASHINGTON

ERICH AND BEATRICE KOKER, Petitioners, V NOEL B. AND WINETTA SAGE, Respondents.	NO. 50265-0 ORDER DENYING MOTION TO MODIFY CLERK'S RULING

This matter came on before the Cout on its August 10, 1984, Motion Calendar on Petitioner's Motion to Modify Clerk's Ruling. The Court having considered the Motion and the files herein;

Now, therefore, it is hereby

ORDERED:

That Petitioner's Motion to Modify Clerk's ruling is denied.

DATED at Olympia, Washington this 10th day of August, 1984.

/s/
James Dolliver
ACTING CHIEF JUSTICE

COPY OF APPEAL TO UNITED STATES SUPREME COURT
ATTACHMENT (D) D-24 attachment

SUPREME COURT OF THE
UNITED STATES

NO. A-340

BEATRICE KOKER, ET VIR.,

APPELLANTS,

V

NOEL B AND WINETTA SAGE

ORDER

UPON CONSIDERATION of the application the appellants,

IT IS ORDERED that the time within which to docket an appeal in the above-entitled cause be and the same is hereby extended to and including December 10, 1984.

Dates this 1st day of November, 1984.

/S/ William H. Rehnquist
Associate Justice of the
Supreme Court of the
United States

Order Extending Time D-25

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

Ms. Beatrice E. Koker
939 North 105th Street
Seattle, Washington 98133

Dear Ms. Koker:

Your application for an extension of time to docket an appeal in the above entitled case has been presented to Justice Rehnquist, who on November 1, 1984, signed an order to extending your time to and including December 10, 1984.

A copy of the Justice's order is enclosed.

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By /S/
Francis J. Lorson
Chief Deputy Clerk

gtb
Enc.
cc (letter only): Frederick V. Betts, Esq.

Letter Extending Time D-25
Order →

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

ERICH KOKER and BEATRICE E. KOKER, husband and wife, Plaintiffs, Vs. NOEL B. SAGE and WINETTA SAGE, husband and wife, and NOEL B. SAGE, JR., Defendants.	NO. 773620 (CAUSE NO. 864509 RELEVANT AND BOTH FILED TOGETHER IN A SUPERIOR COURT UNDER LATTER NUMBER) 1984 Dated: January 5, (NOTICE ONLY)

THIS IS NOTICE ONLY THAT LR 40(a)(2 1) will be done in opposition to F. V. Betts in disbursement motion.

(LR 40 (a) (21))

Motion for reconsideration shall be filed within 5 days after the oral decision. A copy of the motion and the documents in support thereof are to be delivered to the hearing judge and served on the opposing party on the same date. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore.

The opposing party shall have 5 days after he/she receives the motion and materials in support thereof to file documents in opposition thereto. A copy of said documents shall be served on the moving party and delivered to the hearing judge on the same date.

Each of the parties shall include in the materials submitted to the hearing judge a proposed order sustaining his/her side of the argument.

Oral arguments will be scheduled only if the hearing judge requests the same.

Note: Rule LR 40(a)(21) estopps disbursement as per due process.

/S/
Beatrice Koker, Pro Se

/S/
Beatrice E. Koker
939 North 105th Street
Seattle, Wn 98133
783-6998

Appendix H-1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

ERICH KOKER and BEATRICE E. KOKER, husband and wife, Plaintiffs,	CAUSE NO. 773620 (1976 TRIAL)
V	RE: POST TRIAL NOTICE DISBURSEMENT
NOEL B. SAGE and WINETTA SAGE, husband and wife, and NOEL B. SAGE JR., Defendants.	

NOTIFICATION TO DISBURSEMENTS OF DIRECT REVIEW TO THE STATE SUPREME COURT OF WASHINGTON
Dated: February 4, 1984

There is controverting opposition to F. V. Betts for disbursement of funds for attorney fees. I have refused this judgment on the grounds it is obtained in deceit, fraud of the court, and concealment et al.

The motion for reconsideration was timely filed and the trial judge has not yet ruled. The 30 days for appeal are nearly up and there will be an appeal filed to the Washington State Supreme Court by rule.

THIS DOCUMENT FILED TO ESTOPP DISBURSEMENT OF FUNDS.

/s/
Beatrice E. Koker, Pro Se
939 North 105th Street
Seattle, Washington 98133

THERE WILL BE APPEAL DIRECT REVIEW TO THE STATE SUPREME COURT OF WASHINGTON STATE.

Appendix H-2

King County Executive
Randy Revelle

Department of Judicial Administration
M. Janice Michels
Director and Superior Court Clerk

April 11, 1984

Mr. Joel F. Graham, Supervisor
Unclaimed Property Section
Department of Revenue
1101 South Eastside
Olympia, WA 98504

RE: Certificate of Holder for King County Case number 773620

Dear Mr. Graham:

On January 27, 1984, this department filed a claim certifying Frederick V. Betts as the owner of $1,771.58 in unclaimed funds listed under the above case number. Judicial Administration's certificate was based on a King County Superior Court order filed January 5, 1984 that identifies Mr. Betts as the owner.

Since that time, additional issues have been filed in this case which cause this department to withdraw all funds previously reported to you as abandoned property for this case, namely:

1. The order establishing Frederick V. Betts' ownership of $1,771.58 was appealed by Beatrice Koker on January 6, 1984.

2. The level of judicial activity on this case and all trust funds held by this office active and in dispute by known claimants.

Therefore, the Certificate of Holder transmitted to you on January 27, 1984 is withdrawn as null and void. Please return that document to this department.

Appendix I-1

Further, I enclose a Certificate of Holder which certifies this department's claim to the entire amount of $5,583.90 previously reported to you as abandoned property. Please return the funds to this office where they will be held in trust pending adjudication.

If you have any questions, please call me at 344-3891.

Sincerely,

/S/
Alan J. Erickson
Finance Manager
AJE/yw

CC: Frederick V. Betts
✓ Beatrice E. Koker

E609 King County Courthouse 516 Third Avenue
Seattle, Washington 98104 (206) 344-2530

NOTE FROM MR. JOEL GRAHAM, STATE OFFICIAL.

4-17-84

MRS. KOKER:

"Per my recent phone call Mr. Betts returned the warrant for $1,771.58 and all funds ($5,583.90) are being returned to King County."

/S/
Joel Graham

Appendix I-2

"SECOND DEGREE PERJURY"

RCW 9A.72.030 is Washington State STATUTE of second degree perjury which is a Class C Felony. The elements fit the act of F. V. Betts under color of law on appeal to the State Supreme Court and are as follows:

(2) That the defendant knew the statement was false;

(3) That the statement was made with intent to mislead a public servant in the performance of his or her duty;

(4) That the statement was made under an oath required or authorized by law;

84-911 No.

Office - Supreme Court, U.S.
FILED
DEC 10 1984
ALEXANDER L. STEVAS.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1984

(1) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE,
Husband and wife, Defendants.

---

(2) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Respondents.

---

(3) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Appellees.

A-P-P-E-N-D-I-X

PART II

Beatrice E. Koker
Erich Koker
939 North 105th Street
Seattle, Washington
98133

(206) 783-6998
Appellants Pro Se

Parties To This Action: 2. and 3.

EXTENSION OF TIME GRANTED APPENDIX PART II-T

73pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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APPENDIX

PART II

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED SET FORTH:

K-1: Through K- 3: 28 USC §1257 (2)(3):

L-1: Through L-3: Judiciary Act Of 1789:

M-1: Through M-4: ARTICLE III Sec 1 and 2:

N-1: Through N-2: 42 USCA §1983:

O-1: Through O-12: 14th Amendment

P-1: Through P-2: Amendment V

WHERE AND HOW FEDERAL QUESTIONS RAISED

CP Superior Court under Supreme Court 020:

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R-1: Through R-29: Where and how federal questions raised in state Supreme Court

REFERENCES

S-1: Through S-4: EXTENSION OF TIME GRANTED TO AND INCLUDING DECEMBER 10, 1984:

APP †

28 USC §1257: (2)(3)

§1257. State courts; appeal; certiorari

"Final judgments or decrees rendered by the highest court of the State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) "By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity."

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity."

(3) "By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States." June 25, 1948, c. 646, 62 Stat. 929:

28 USCA s1257 Note 99:

"Federal question was directly involved so that state court could not have given judgment without deciding it, Supreme Court has appellate jurisdiction." Sayward v Denny (1895) 158 US 180, 39 L Ed 941, 15 S Ct 777:

Note 74:

"Of course, there might be cases where, although the decision put forward other reasons, it would be apparent that a federal question was involved, whether mentioned or not. It may be imagined, for the sake of argument, that it might appear that a state court, even if ostensively deciding the federal question in favor of the plaintiff in error, really must have been against him upon it, and was seeking to evade the jurisdiction of this court. (Case Omitted)

Note 74: "If the ground of decision did not appear and that which did not involve a federal question was so palpably unfounded that it could not be presumed to have been entertained, it may be that this court would take jurisdiction. Johnson v Risk Tenn 1890, 11 S Ct 111, 137 US 300, 307, 34 L Ed 683. Leathe v Thomas,(Ill 1907) 28 S Ct 30, 207 US 93, 52 L Ed 118:

28 USCS §1257 Note 97:

"Decision in terms of Federal question is not essential; if decision of Federal question was necessarily involved in judgment rendered, it is not matter of importance that state court avoided all reference to question."
Chapman v Goodnow's Admr (1887) 123 US 540, 31 L Ed 235, 8 S Ct 211:
Bell's G. R. Co v Pennsylvania (1890) 134 US 232, 33 L Ed 892, 10 S Ct 533:
Chicago B & Q R. CO v Chicago (1897) 166 US 226, 41 L Ed 979, 17 S Ct 581:

28 USCA §1257 Note 99:

"A state may choose the procedure it deems appropriate for the vindication of federal rights, but where state court of last resort closes the door to any consideration of a claim of a federal right, it is not simply a question of state procedure."
Young v Ragen, (Ill 1949) 69 S Ct 1073, 337 US 235, 93 L Ed 1333:

28 USCA §1257 Note 403:

"In reviewing a case in which federal constitutional rights are asserted, United States Supreme Court must inquire not merely whether those rights have been denied in express terms but also whether they have been denied in substance and effect, and must review independently both legal issues and those factual matters with which they are comingled." Cyama v State of Cal., (Cal 1948) 68 S Ct 269, 332 US 633, 92 L Ed 249:

JUDICIARY ACT OF 1789

1 Stat. at Large 73 FIRST CONGRESS SESS I.
Chapter 29 1789 Page 85 and 86:

Sec 25: "And be it further enacted, That a final judgment or decree in any suit, in the highest court of law or or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decisionis in favour of such their validity, (d) or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered in circuit court and the proceeding on the reversal shall also be the same, except that

the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned, or regarded as a ground for reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before mentioned questions of validity or construction of the said constitution, treaties, statutes, commission's or authorities in dispute." (a)

Footnote Page 86: 25th Sec Judiciary Act 1789:

"It is not necessary that the question shall appear in the record to have been raised, and the decision made in direct and positive terms, ipsissimis verbis; but it is sufficient if it appears by clear and necessary intendment that the question must have been raised, and must have been decided, in order to induce the judgment. It is not sufficient to show that the question might have arisen and been applicable in the case, unless it is further shown, on the record, that it did arise and was applied by theState Court to the case."

"A state is free to regulate the procedure of its own Courts in accordance with its own conception of policy but it does not follow that it may substitute trial by ordeal." Rideau v Louisiana 373 US 723, 83 S Ct 1417, 10 L Ed 2d 663:

"JUDICIARY ACT OF 1789"

Sec. 25: In delivering the opinion of the Supreme Court in the case of Fisher v Cockrell 5 Peters 248, Mr. Chief Justice Marshall Said:

> "In the argument the court has been admonished of the jealousy with which the States of the Union view the revising power entrusted by this tribunal. The observations of this character the answer uniformly has been that the course of the judicial department is marked out by law. We must tread the direct and narrow path prescribed for us.
>
> "As this court has never grasped at ungranted jurisdiction, so it never will, we trust, shrink from that which is conferred upon it."

Beatrice Koker invokes the jurisdiction conferred upon this court by the Judiciary Act of 1789, and all amendments thereto. Brought to you on the grounds a State of Washington statute is repugnant to the United States Constitution, and the decision of the state is in favor of its validity. Being in favor by having considered the meaningless appeal, and denial of federal rights and denial of civil rights and ruled in its favor by error.

ARTICLE III - THE JUDICIARY

Section 2:

"The judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction; --to Controversies to which the United States shall be a Party;--to controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States, --between Citizens of same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact with such Exceptions, and under such Regulations as the Congress shall make."

"The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

ARTICLE III - THE JUDICIARY

Section 1:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme Court and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office."

Article III §1 Note 121 p 12:

"Policy of federal courts is to decide cases on basis of substantial rights rather than technicalities."
Hines v Wainwright (C.A. Fla 1976) 539 F 2d 433:

Article III §1 Note 144 p 40:
"Generally"

"A rule of practice must not be allowed for any technical reason to prevail over a Constitutional right."
Giacona v US (CATex 1958) 257 F 2d 450, Cert Denied, 79 S Ct 113, 358 US 873, 3 L Ed 2d 104:

Article III §2 Cl 1 Note 29 p 226:
"Judicial Power Generally"

Press, Inc V Christenberry (1960) 276 F 2d 433

"Enforcing laws and the Constitution is ultimate responsibility of courts."

Article III §2 Cl 1, Note 17 p 76:

"United States Supreme Court must take notice on its own motion where jurisdiction does not appear."
Butler v Dexter, (Tx 1976) 96 S Ct 1527, 425 US 262, 47 L Ed 2d 774:

Article III §1 Note 121 p 36:
"Responsibility Of Judiciary - Generally"

"Courts are instituted with the duty to see that the right of every citizen to have his day in court, as well as all fundamental rights, are maintained inviolate."
Collins v Biron (DC Ala 1944)
56 F Supp 357, reversed on other grounds, 145 F 2d 758:

Article III Note 7 p 18:
"Judicial Power - Generally:

"Once Court assumes jurisdiction of cause of action, it possesses power to afford effective relief."
Baker v Carr (DC Tenn 1962)
206 F Supp 341:

"The power of court to investigate conduct of its own officers is inherent."
Constitution of the United States
Article III Note 102 p 30:
Emmons v Smitt (DC Mich 1944)
58 F Supp 860 affirmed 149 F 2d 869, cert denied 66 S Ct 50, 326 US 746, 90 L Ed 446:

ARTICLE III §2, cl 1, Note 3:
II CASES OR CONTROVERSIES
GENERALLY A. IN GENERAL

"By "Cases" and "Controversies" are intended claims or contentions of litigants brought before courts for adjudication by regular proceedings established for protection or enforcement of rights, or prevention, redress, or punishment of wrongs."
Smith v Adams (1889) 130 US 167, 32 L Ed 895, 9 S Ct 566:

"The Supreme Court of the United States may notice a plain and serious error, though unassigned."
2A United States Supreme Court Digest 542 §1084 (1) In General (Case Omitted)

"Courts and their procedural Safeguards are indispensable to our system of government, having been set up by our founders to protect the liberties they valued."
CONSTITUTION ARTICLE 3 §1 Note 7 p 18:
Duncan V Kahanamoku (Hawaii 1946) 60 S Ct 696, 327 US 304, 90 L Ed 688:

ARTICLE III §1 Note 61:

When a judge, or attorney or jury fails, there cannot be a trial fully and fairly heard in a meaningful manner of a constitutional trial."

42 USCA §1983 - CIVIL RIGHTS

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." R.S. §1979 ; Pub L 96-170, §1, Dec 29, 1979 93 Stat 1284:

Note 414 p 149:

"Denial of access to the courts violates a recognized constitutional right, and conceivable could be the basis of a suit pursuant to this section, and thus action which prevents an individual from communicating with the court could constitute denial of access to the court." Henriksen v Bentley (C.A. Wyo 1981) 644 F 2d 852:

"If only objective of a state practice is to discourage the assertion of Constitutional rights, it is patently unconstitutional."
5 United State Supreme Court Digest 131 "Right Guaranteed By Constitution-Generally" §101: Chaffin V Stynchcombe 412 US 17 93 S Ct 1977, 36 L ed 2d 714:

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42 USCA §1983

N-1

"STATE ACTION"

X "Neither the label which a state places on its own conduct, nor the legitimacy of its motivation, can avoid the applicability of the Constitution."
USCA 14th Amendment Note 155 p 42
Cumulative §1 "State action generally"
DUE PROCESS Vann V Scott (CA Ill 1972) 467 F 2d 1235:

"Only when state action or inaction offends basic principles of fundamental fairness does a violation of defendants' (plaintiffs) right to due process or equal protection under this amendment result."
USCA 14th Amendment Note 15 p 279 §1
Cumulative "State Action - Generally"
US ex rel Boone V Fay (DCNY 1964) 231 F Supp 387, Cert Denied 85 S Ct 945, 380 US 936, 13 L Ed 2d 823:

"A state court judgment, even by adjudicating private lawsuits, may unconstitutionally abridge the right of free speech as well as the right of equal protection of the laws."
USCA 14th Amendment Note 30 p 307 §1
Edwards V Habib (1968) 397 F 2d 687, 130 US APP DC 126, Cert Denied, 89 S Ct 618, 393 US 1016, 21 L Ed 2d 560:

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

Forty-Second Congress Sess. I.
Chapter 22 1871 April 20
Statutes At Large Volume 17:

Page 13: "An act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes."

Section 1:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who under color of any law, statute, ordinance, regulation, custom, or usage of any jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April, eighteen hundred and sixty-six, entitled "An Act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication"; and the other remedial laws of the United States which are in their nature applicable in such cases."

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

Sec 1:

"Citizens of United States; states prohibited from abridging privileges or immunities of citizens of the United States, or depriving any person of due process or law or equal protection of the laws."

Sec 2:

Apportionment of representatives.

Sec 3.

Disqualification as officers or electors of persons who have engaged in insurrection or rebellion; removal of disability."

Sec 4.

Validity of public debt; debts for payment of pensions or bounties in suppressing insurrection; payment of obligations incurred in aid of insurrection; or claims for emancipation of slaves.

Sec 5.

Legislation for enforcement of article.

Amendment 14 Note 20 P 59:
Citizens of the United States

"Judicial action in private disputes is a form of state action required for application of this clause prohibiting state from abridging the privileges and immunities of citizens." Hosey v Club Van Cortlandt 299 F Supp (1969) DCNY

Note 30: Civil Rights Act:

"Only where asserted civil right stems from this amendment and claim is for damages resulting from abridgment of privileges or immunities or denial of equal protection of laws is federal remedy denied against persons not action under color of state law." Paynes v Lee 377 F 2d 61, (C,A. La 1967)

Note 102:

"Due process of law" means procedure according to rules and principles for enforcement and protection of private rights." Gray v Hall (1928) 265 P 246, 203 Cal 306:

"Law of Land as due Process"

"In one sentence, concept of due process is a product of history connoting conduct of legal proceedings according to law of land, that is, the rules of procedures traditional to Anglo-American jurisprudence."
USCA 14th Amendment Note 109 p 35 81, Cumulative: Johnson V Superior Court Of California, San Joaquin County Dept No 6(Cal App 1974) 113 Cal Rptr 740:

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

"This clause applies not only when one's physical liberty is threatened, but also where a person's good name, reputation, honor or integrity is at stake."

USCA 14th Amendment Note 404 p 125 §1 Cumulative "Basis or Fundamental Right" Gotkin V Miller (C.A.N.Y. 1975) (Second Circuit) 514 F 2d 125:

X "Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process."
USCA 14th Amendment Note 155 Page 41 § 1 Cumulative "State Action Generally" DUE PROCESS Field V Boyle (CA Ill 1974) Seventh Circuit

"The "liberty" which is protected by this amendment encompasses much more than the simple right to be free from unwarranted bodily restraint.",
USCA 14th Amendment Note 450 p 137 §1 Cumulative "Liberty Generally" DUE PROCESS Raper V Lucey (CA Mass 1973) 488 F 2d 748

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

"It is this amendment which obliges one to do what is just, not merely refraining from doing what is improper." USCA 14th Amendment Note 410 p 129 §1 Cumulative: (Case Omitted)

"Word" "liberty" as used in this amendment that no state shall deprive any person of liberty without due process of law denotes not merely freedom from bodily restraint but also rights of any individual to contract, to engage in any of common occupations of life, to acquire useful knowledge, and generally to enjoy those privileges long recognized as essential to orderly pursuit of happiness by free men." USCA 14th Amendment Note 109 p 35 §1 Cumulative: (Case Omitted)

"In determining the legal effect of certain facts as a deprivation of one's legal rights under the 14th Amendment, the Supreme Court is at full liberty to consider the facts as was the state supreme Court." 2A United States Supreme Court Digest 189 8. "Questions of Fact" §745 A. Generally. Truax v Corrigan 257 US 312, 42 S Ct 124, 66 L Ed 254:

14TH AMENDMENT

Judicial action may be state action. In USCA AMENDMENT 14 §1 p 280 Note 15. Landmark case of SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 842, 92 L ED 1161 (1948) says:

> "That the action of state courts and judicial officers in their official capacities is to be regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

USCA §1 14th AMENDMENT NOTE 602 P 644:

> "Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.

PARKHAM V CORTESE 407 US 67, 32 L Ed 2d 556,, 34 L ED 2d 165:

> Procedural due process is opportunity to be heard at a meaningful time and in a meaningful manner. AMENDMENT 14:

BROWN V ALLEN 344 US 443, (1953)

> ". . . we are not final because we are infallible, but we are infallible because we are final."

ABUSE OF PROCESS

"As usually defined, the tort of malicious abuse of process is committed when the actor employs legal process in a manner technically correct, but for a wrongful purpose to attain an unjustifiable end."

Judgment is "state action" within the meaning of the 14th Amendment of the Constitution of the United States. In the authority of GALELLA V ONASSIS 353 F Supp 196 and 487 F 2d 986 (1973): Quote:

"The claim that this constitutional right runs only against "state action" overlooks the fact that the act of a court -- even the entry of a judgment denying relief - - is state action within the meaning of the 14th Amendment." USCA AMENDMENT 14 §280 Note 15:

In Constitution Amendment 14 Note 20 p 59 it says:

"Judicial action in private disputes is a form of state action required for application of this clause prohibitting state from abridging the privileges and rights and immunities of citizen."

14th Amendment 0-6

42 USCS §1983 Note 179

IV. WHO IS PROTECTED: STANDING

"Neither economic injury nor specific individual rights are necessary to issue of standing to bring action under 42 USCS §1983."
Suarez v Administrador Del Deporte Hipico de Puerto Rico (1972) DC 354 F Supp 320:

42 USCS §1983 Note 560 p 606:
Pro Se Complaints

"Pro se complaint under 42 USCS §1983 naming non-immune defendant should be dismissed for failure to state claim, where lacking issuance of process and compliance with normal notice and hearing provisions of Federal Rules, ONLY WHERE IT APPEARS that plaintiff can prove no set of facts in support of his inartfully drawn complaint which would entitle him to relief; dismissal reversed and cause remanded to secure necessary compliance."
Marshall v Brierley (1972, CA 3 Pa) 461 F 2d 929:

"Pro se complaints under 42 USCS §1983 are held to less stringent standards than formal pleadings drafted by lawyers." Cruz v Cardwell (1973, CA 8 Mo) 486 F2d 550:

ACCESS TO THE COURTS

"Access to the courts is guaranteed by this clause." USCA 14th Amendment Note 409 p 126 §1 Cumulative "Access To Courts" Mathis V Di Giancinto (DC PA 1977) 430 F Supp 457

"One of fundamental rights protected by this clause is right of free access to courts, so that individual will have opportunity for appropriate hearing at meaningful time and in meaningful manner." USCA 14th Amendment Note 409 p 127 §1 Cumulative "DUE PROCESS" "Access To Courts, Right of" Moore v Howard (DC Va 1976) 410 F Supp 1079:

"This amendments' procedural due process protection attaches to any significant private interest." USCA 14th Amendment Note 455 p 139 §1 Cumulative "Personal or Private Rights, Generally." Graff v Nicholl (DC Ill 1974) 370 F Supp 974:

"Meaningful access to courts is guaranteed by this clause." USCA 14th Amendment Note 409 p 101 §1 Cumulative DUE PROCESS "Access to Courts, Rights of" Dreher V Sieloff (CA Ill 1980) 636 F 2d 1141

"STATE ACTION"

6 UNITED STATES SUPREME COURT DIGEST 558
"Courts" II State Courts (A) In general
§171 Generally

"The judicial act of the highest court of the state, in authoriatively construing and enforcing its laws is the act of the State."
Twining v New Jersey
211 US 78, 29 S Ct 14, 53 L Ed 97:

"Sweep of this Amendment extends to all state action denying equal protection of laws and that includes officers who exercise state powers."
USCA 14th Amendment §1 Note 15 p 279:
"State Action - Generally" (Case Omitted)

"This clause is directed to every form of state action - legislative, executive, or judicial." USCA 14th Amendment Note 15 p 276 §1 Cumulative "State Action" - Generally. Shock V Tester (CA Ark 1969) 405 F 2d 852, Headnote 5: 395 US 941, 23 L Ed 2d 460 89 S Ct 2004:

X "Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process."
USCA 14th Amendment Note 155 p 41 §1 Cumulative "State Action Generally"
DUE PROCESS Field V Boyle (CA Ill 1974) Seventh Circuit 503 F 2d 774:

MEANINGLESS APPEAL

"Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts." USCA 14th AMENDMENT Note 602 p 644 §1 "Review" Rinaldi V Yeager (NY 1968) 86 S Ct 1497, 384 US 305, 16 L Ed 2d 577:

"Once state has established avenues of appellate review, the avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts." USCA 14th Amendment Note 1254 p 533 §1 Cumul. "Standards Of Appellate Review" Blackledge V Perry (NC 1974) 94 S Ct 2098, 417 US 21, 40 L Ed 2d 628:

"If only objective of state practice is to discourage assertion of constitutional rights, the state practice is patently unconstitutional." USCA Amendment 14 Note 39 p 25 §1 Cumulative Chaffin V Stychcombe, US (GA 1973) 412 US 17, 93 S Ct 1977, 36 L Ed 2d 714: DUE PROCESS

MEANINGLESS APPEAL

"Any attempt by state to restrict right to seek redress for a violation of a constitutional guarantee is subject to challenge under this clause." USCA 14th Amendment p 129 Note 410, Cumulative "Constitutional Rights - Generally" Headnote 4: Sutton V County Court of Racine County, Wisc. 353 F Supp 716 (1973):

"Due process does not require state to provide appellate system, but if state does afford appellate system, equal protection prohibits state from granting appeal to some litigants and capriously or arbitrarily denying appeal to others." Headnote 8: In re Marriage of Valleroy (Mo App (1977) 548 SW 2d 857 USCA 14th AMENDMENT Note 121 §1 P 38: Cumulative

"The prohibition of the 14th Amendment against depriving any person of life, liberty or property without due process of law, or denying the equal protection of the laws, extend to all acts of the state, whether through its legislature, its executive, or its judicial authorities." Scott V McNeal 154 US 34, 14 S Ct 1108, 38 L Ed 896: 5 United States Supreme Court Digest 56 D. §34 "Federal Constitution as the Supreme Law" Application to States - Generally":

14th Amendment
O-11

MEANINGLESS APPEAL

"- - when state provides a right to appeal, it must meet the requirements of due process and equal protection."
USCA 14th Amendment Note 1236
Page 476 §1 Cumulative DUE PROCESS
"Right To Appeal - Generally"
Rheuark v Shaw (CA Tex 1980) 5th Cir
628 F 2d 297, Cert Denied 101 S Ct
1392, 450 US 931, 67 L Ed 2d 365:

X USCA 14th Amendment Note 155 p 41 §1
"State Action Generally"

"Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process." Field V Boyle
(CA Ill 1974) Seventh Circuit
503 F 2d 774:

X "Neither the label which a state places on its own conduct, nor the legitimacy of its motivation, can avoid the applicability of the Constitution."
USCA 14th Amendment Note 155 p 42 §1
Cumulative "State Action Generally"
DUE PROCESS Vann V Scott (CA Ill 1972)
Seventh Circuit 467 F 2d 1235:

CONSTITUTION
AMENDMENT V:

"Due Process Of Law * * * nor be deprived of life, liberty, or property, without due process of law; * * *

Note 11:

"The term "liberty" within this amendment is not confined to mere freedom from bodily restraint, but it extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective." Bolling v Sharpe App D.C., 1954, 74 S Ct 693, 347 US 497, 98 L Ed 1083:

Note 12:

"Due process procedures required by this amendment vary with nature of case and the more serious the deprivation, the more extensive the procedural safeguards which must precede its imposition." Saville v Treadway D.C. Tenn. 1974, 404 F Supp 430:

Note 13: Elements of Due Process Generally:

"Fundamental requirement of due process is opportunity to be heard at meaningful time and in meaningful manner." Mathews v Eldridge Va 1976, 96 S Ct 893, 424 US 319, 47 L Ed 2d 18:

"Due Process is not technical concept with fixed content unrelated to the place and circumstances; rather, it is flexible and calls for such procedural protections as particular situation demands." Id.

Note 25:

"Due process of law" means the law of the land, which implies a general public law, equally binding upon every member of the community, which embraces all persons who are in, or who may come into, like situations and circumstances, and not partial laws affecting rights of classes of individuals, and when applied to special or class legislation, it means in addition that classification must be natural and reasonable." U.S. VBallard, D.C. Ky 1935, 12 F Supp 321:

NOTE 14: "Fair Play:"

"Due process is denied where the procedure tends to shock the sense of fair play." Howard v U.S. C.A. Cal 1967, 372 F 2d 294, Cert Denied 87 S Ct 2129, 388 US 915, 18 L Ed 2d 1356:

I

Where and How

Federal Questions Raised

✓ Superior Court

Supreme Court Document 020: CP 02.5
Clerk's Papers Page 12: (3rd Para)

"There is deprivation of my rights under Article III of the Constitution of the United States, and the entire Constitution."

"In a legal malpractice action brought against an attorney and law firm which represented the plaintiffs in a personal injury action, the evidence concerning the defendants' malpractice presented jury question."

Woodruff V Tomlin (C.A. 6) No. 77-1216: Wests Federal Case News Vol. 2 No. 10 March 9, 1979:

Supreme Court Document 020: CP 009 Page 8: Quoting:

"This motion and hearing and ruling of the court is a state action that must be answered without reconsideration and vacating the order. Judicial action may be state action." USCA AMENDMENT 14 §1 p 280 Note 15: 16 AM Jur 2d CONSTITUTIONAL LAW §491: Landmark case is SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 842, 92 L Ed 1161, 1181 (1948) which said:

"That the action of state courts and judicial officers in their official capacities is to be

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"regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

Supreme Court Document 020: CP 009 Page 9:

"Conduct that makes a sham of a judicial or quasi-judicial proceeding has far-reaching damage to the administration of justice." DR 1-102 (A)(5): IN RE KEILER 380 A 2d 119, 123 (1977):

"Courts must be able to rely upon what lawyers say - - what they represent as to the facts and/or the law, and must also rely upon what lawyers do-not say, for silence when there is a duty to speak, may mislead courts and prejudice the administration of justice."

Supreme Court Document 020: CP 009 Page 10:

"Fairness of procedure could not be had when the record of No 864509 is not weighed for the disbursement of funds to an attorney committing legal malpractice acts in the record still."

"Fairness of procedure is due process in the primary sense." FITZGERALD V HAMPTON (1972) 467 F 2d 755, 152 US D.C. Appl., 93 S Ct 549, 408 US 1055, 34 L Ed 2d 509:

WHERE AND HOW FEDERAL QUESTIONS RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 10:

"Procedural due process is opportunity to be heard at a meaningful time and in a meaningful manner." PARKHAM V CORTESE 407 US 67, 32 L Ed 2d 556, 34 L Ed 2d 165:

"THE MOTION OF F. V. BETTS IS ASKING THE COURT TO DISBURSE FUNDS FOR AN IMPROPER PURPOSE. SERVICES RENDERED THAT TOOK THE RIGHT TO REDRESS AND REMEDY AND RESTITUTION AND PROPER RELIEF TO THOSE AGGRIEVED."

Supreme Court Document 020: CP 009 Page 11:

"Rights have been denied in express terms and in substance and effect. Mr. Betts had a non-committal motion which did-not inform the court that I had refused the judgment, but presented a motion for disbursement of funds as normal. Presented as if he had a right for this money. It is an atrocity to justice to think a man slated for a legal malpractice trial not only asks for pay but is granted such funds for such "services" abhorrent to the CPR, Oath, Constitution. The motion was a bad-faith bid for bounty."

Supreme Court Document 020: CP 009 Page 11:

"The entire motion and hearing was not at a meaningful time nor a meaningful manner without recognizing my pleas for more time, a change of court that knew the record to afford due process, also denied. Even my exception to the ruling is denied!"

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-3

Supreme Court Document 020: CP 009 page 17:

COMPENSATION TO AN ATTORNEY FOR CONCEALMENT?

"Deceiving the court, jury, client is an act that will receive compensation unless the court order granting disbursement is now reconsidered, the order vacated with prejudice and the refused judgment remain untouched. A court such as your own, Your Honor, is deceived."

"Courts should at least know what everyone else knows." STENBERG V BUCKLEY (1954) 245 Iowa 622, WASHINGTON COURT COMMENTARIES August 1968: P 4 Vol IX No. 11: "Dedicated To Justice"

Supreme Court Document 020: CP 009 Page 21:

FIDUCIARY

"A member of the bar should not under any circumstances attempt to deceive another person, and it is immaterial whether harm was done." CUTLER V STATE BAR 455 P 2d 108,

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Supreme Court Document 020: CP 009 Page 22:

"There is no showing in the record of proper representation by Mr. Betts for his client then, Beatrice Koker. There is only a showing on the record of the gross negligence and infidelity and wrongful acts, omissions and legal wrongs. Please reconsider payment of fees when by law no fees shall be paid for such services rendered."

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-4

Supreme Court Document 020: CP 009 Page 28:

TRUST FUND

"The motion of Mr. Betts to disburse funds is using the court to gain that to which he is not entitled. It shall be likened to an attorney misusing a clients-attorneys trust fund. The "Services Rendered" are on record in 864509 and include misconduct, violating disciplinary rules, moral turpitude, dishonesty, deceit, misrepresentation and disloyalty to a client, aiding and abetting the defense attorney engaging in conduct prejudicial to the administration of justice, and this court has allowed payment for such attrocities."

"Reconsideration of the order disbursing funds is asked before it is too late to save the system of justice."

Supreme Court Document 020: CP 009 Page 29:

"The decision of my attorney in trial was that if someone is sacrificed, it would not be a fellow attorney, it would be a client he had sworn to protect. It would be violation of The United States Constitution which Mr. Betts had sworn to uphold."

"AND NOW HE WANTS TO BE PAID FOR THIS."

"AND NOW THIS COURT IS ALLOWING PAY."

"PLEASE RECONSIDER."

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 29:

"Justice Burger has stated the condition of the courts and that the system of justice is in jeopardy. I am a victim of this system of justice who has jeopardized my very life."

"THE SYSTEM OF JUSTICE IS PUBLIC CONCERN AND INTEREST BECAUSE THE "LONG ARM PROTECTION" OF THE UNITED STATES CONSTITUTION IS A PERSONAL BIRTHRIGHT FOR EVERY AMERICAN."

Supreme Court Document 020: CP 009 Page 31:

"The anguish of being crippled for lie is anguish and pain. The betrayal of my attorney, the infidelity, disloyalty, and all other is a burden of anguish and outrage. The rulings of the courts deny me rights and damages for redress and remedy and restitution is anguish and outrage."

"The injustice of the system is a horror of anguish and outrage. There is further anguish that a court allows disbursement of funds for fees for this."

"SO DIE"

Supreme Court Document 020: CP 009 Page 30:

"The defense sent me to a doctor in 1975. During the examination the doctor took my blood pressure several times, made no comment, notated his record in silence."

(Cont'd)

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-6

"Some time later, I went to another doctor for examination and brain wave test. He took my blood pressure and sent me immediately for help." "Mr. Betts is informed and cannot claim contributory negligence. Mr. Betts said he knew I had high blood pressure - - How could he, I just found out myself. He then informe me that Dr. Leavitt (defense doctor) put the blood pressure result in his medical report which says: I do certify this to be from the copy of the medical report of the defense doctor." /S/
Beatrice E. Koker

"In taking her blood pressure the examiner can hear the pulse without any blood pressure cuff on in the right brachial artery. Blood pressure in right arm is 210/0 and the left 200/70. The examiner is of the impression that there is a blowing low pitched murmur in the aortic area."

"Untreated blood pressure can be fatal it was learned. I called a legislator of the ethics committee about not being informed of such a dangerous condition to a stroke." "Mr. Betts was informed by me and became highly angry and said "he would put a stop to it" and he did. The medical board was not informed."

"A human being? Am I, any less a human being or any less a patient just because the doctor is examining for the defense? My own attorney kept this high blood pressure information from me. There is also a heart murmur. What is the implication? SO DIE?"

Supreme Court Document 020: CP 009 Page 32:

"Beatrice E. Koker denied full and fair hearing in a meaningful manner without transfer of the motion for disbursement to the court of Pre-assignment which heard this case and denied summary judgment for the legal malpractice. The Motion Court could not have weighed the record of No 864509, lawsuit against Mr. Betts and the defense attorney et ux, et al in 48 hours service of papers to hearing."

Supreme Court Document 020: CP 009 Page 33:

"Reconsideration because to allow attorney fees and costs and disbursement of a refused judgment under the circumstances of this case, makes a precedent ruling for all attorneys, and a ruling against the code of professional responsibility, and the Oath of an attorney, and the Constitution of the United States and the State of Washington cannot be upheld with payment for wrongful acts. This makes the equal protection applicable to the attorneys of this state in that every attorney can commit these wrongful acts and be reimbursed fees and costs. The public interest is in for shock and despair and disrespect for the courts if the order remains. There is no technicality to evade or avoid."

"Yes, the wrath of public interest anger will question the legal conscience of the system."

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 34:

"People will-not tolerate the utter disregard of rights and abuse of process. Mr. Betts is using the legal system to ask for that which is not due him, and the court is allowing it to the detriment and denial of the rights of another."

SAME

"I feel bereft of Constitutional rights to be rushed into a hearing, denied continuance, denied transfer to another court who knows this record."

"I object to the ruling and all circumstances thereto."

"The equal protection act is involved and relevant. If Mr. Betts is paid legal fees for malpractice acts, then every attorney in the State of Washington is eligible for the same."

Supreme Court Document 020: CP 011 Page 2:

"There are cases which have denied an attorney any recovery for attorney fees where there is breach of fiduciary duty. This is to prevent the attorney client relation of trust by oath, CPR, Constitution of the United States and the State, from being abused and against public policy and public interest and concern."

Supreme Court Document 020: CP 011 Page 6:

"The office of attorney is of public concern and regards administration of justice. RE BRADLEY 7 Wall 364 19 L Ed 214:

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court

Supreme Court Document 020: CP 011 Page 11:

"I respectfully move this court to vacate the order to disburse funds for contingency fees of F. V. Betts who has by his acts, omissions and legal wrongs, deprived me of Constitutional rights."

"I respectfully ask this be done to avoid further litigation and appeals and more court calendars crowded from a wrong ruling by the court in manifest error and abuse of discretion."

"I respectfully ask you to reconsider the denial of procedural due process and rights to a continuance asked for, right to a under advisement ruling to allow me time for memorandum of law, and all other in the record."

Supreme Court Document 020: CP 011 Page 12:

"What happened to all the Constitutional Promises to the CITIZEN?"

Supreme Court Document 020: CP 011 Page 12:

"I ask you to reverse your ruling, vacate the order, and reinstate the funds back into the court. I have refused this judgment because of the deceit and wrong committed in obtaining. Please undo more wrong before it is too late and the courts collapse from the pressure of deeds they are not committed to. Justice is foremost."

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court Q-10

WHERE AND HOW
FEDERAL QUESTION RAISED
Supreme Court of Washington
Meaningless Appeal

Supreme Court Document: O11 Page 11:

AUTHORITY

"The motion of F. V. Betts for disbursement of funds for contingency fees to be given to him should have been denied on the authority presented the lower court by Beatrice Koker. A direct appeal lies to the United States Supreme Court on the issues presented to this court for direct review. In 1 UNITED STATES SUPREME COURT DIGEST 722 S73 d. It Says:"

"An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted)

Supreme Court Document: O11 Page 13:

"This ruling of the court and order and decision is a state action that must be answered in reversal and deny the motion for disbursement to F. V. Betts. Judicial action is state action." SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 852, 92 L Ed 1161, 1181 (1948) which said:"

Quote:

Supreme Court Document: 011 Page 13: (Cont'd)

"That the action of state courts and judicial officers in their official capacities is to be regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

Supreme Court Document: 011 Page 15:

"I respectfully plead with this court for direct review of a matter of great import to the public who must depend for justice on the only courts we have and the attorneys attached thereto."

Supreme Court Document: 012 Page 3:

"The record of proof is burned into my cortex as a victim and recipient of the aftermath of an attorney violating the Constitution of the United States, and the Constitution of the State of Washington, and his Oath and the CPR."

Supreme Court Document: 012 Page 7 and 8:

"Instead the record reads that the victim is denied all her rights, deprived of restitution, and the attorney is paid for his malpractice acts, omissions and legal wrongs in disbursement of contingency fees from a court fund."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-2

Supreme Court Document: 012 Page 11:

"The road of right and wrong are so diversely opposite there is no difficulty to determine which is right." "Why then is it so difficult to be right and consistently be denied the redress and remedy and rulings and judgment that are by law mine?"

Supreme Court Document: 012 Page 10:

"The office of attorney is of public concern, and regards administration of justice." RE BRADLEY 7 Wall 364, 19 L Ed 214: RE GARLAND 4 Wall 333, 18 L Ed 366: BANK V WARD 100 US 195, 25 L Ed 621:

Supreme Court Document: 014: page 1 and 2:

Page 1: Unconscionable Subject Matter

"The disbursing of court funds for contingency fees to compensate an attorney for his malpractice conduct is in forfeiture, and now relates back to the entire case and opens up another can of worms."

Page 2:

"I respectfully ask the Supreme Court of Washington to examine the records for the sake of justice. The ramifications of injustice done to Beatrice Koker begging to be helped by her right in the courts of the State of Washington is all there. The Supreme Court of the

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"United States has denied jurisdiction and therefore, there is no ruling on the merits in certiorari and jurisdiction can be resurrected and is still not too late to redeem the promises of the Constitution."

Supreme Court Document: 014 Page 3:

"Instead of justice, a serpent of injustice gliding in and out of the courts devoured my rights and redress and remedy and restitution and left me damaged, abandoned, alone with court injuries, and attorney injuries, and the injustice injuries heaped upon my physical injuries. I did no wrong and am punished."

"F. V. Betts, Attorney, did wrong and is rewarded."

Supreme Court Document: 014: Page 14:

"Attorney Betts has trod upon the rights of a client, committed fraud upon the court and criminal contempt of court,and has breached his sworn fiduciary duty and fidelity with bad faith. The umbrella of misplaced protection of this attorney by the courts has deprived me of Constitutional rights."

Supreme Court Document: 014: Page 22:

Quoting A 4 Seattle Times Newspaper 2/13/'84:

"Burger concluded. "When we see costs of justice rising, when we see our standing in public esteem falling, something is wrong . . . (Cont'd

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WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court R-4

". . . Whos is responsible? The answer must be: We are. I am. You are."

Supreme Court Docket: 014 Page 24:

"The importance of the matter before the State Supreme Court warrants direct appeal that abuses of the attorney in this matter is theft in the system of justice of truth and honor and integrity and equal justice to all."

"Direct appeal to the state supreme court for fundamental justice."

Supreme Court Docket: 014: Page 26:

THE STATE SUPREME COURT DENIED ATTORNEY FEES FOR BREACH OF FIDUCIARY DUTY

"There should be direct review under the equal protection and due process for this court has already ruled on the question of fees and ruled in the favor of my presentation herein."

ALLARD V PACIFIC NATIONAL BANK
99 Wn 2d 394 (1983):

Supreme Court Docket: 014 Page 27:

"There is aggrievement to trust in the legal profession and the image it projects to the public of "fidelity, truth, honesty. Then to make discovery of such obstruction of justice acts as to an attorney lying, withholding material facts to my injuries . . ."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-5

Supreme Court Docket: 014 Page 28:

"I am further aggrieved that a court has compensated the wrongdoers and penalized the victim again. The equal protection clause does not award the wrongdoers at the expense of the victim. The legal wires for remedies are reversed."

Supreme Court Docket: 014 Page 31:

ETERNAL AGGRIEVEMENT

"A plaintiff is aggrieved by a judgment in his favor if it is-not rendered for all he claimed in his declaration." KINGSLEY V DELANO 172 Mass 37, 51 NE 186: OPENSHAW V OPENSHAW 105 Utah 574, 144 P 2d 528:

Supreme Court Docket: 014 page 32:

"To reward one attorney for his legal wrongs, is to give license to every attorney in this state to commit the same legal malpractice wrongs and be paid for it. The equal protection of the law demands it."

Supreme Court Docket: 014 Page 32:

"If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."
Learned Hand - Legal Aid Society of New York February 16, 1951 - 9 Brief Case, No. 4 p 5:

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court R-6

State Supreme Court Docket: 014 page 32:

"To no one will we sell, to no one will we refuse of delay, right to justice." MAGNA CARTA Ch 40 (1215):

State Supreme Court Docket: 014 Page 36:

"My journey-for-justice is not over." "The courts have not helped me as promised in the Constitution."

State Supreme Court Docket: 014 Page 37:

"The Constitution of the United States demands that the promises therein be practiced religiously and not be mere words preached to shallow ears, with no action from the judicial powers ordained for Justice in America."

State Supreme Court Docket: 014 Page 37:

"As a loyal citizen of America, I shall not tolerate broken Constitutional promises. I shall forever seek reversal of injustice given me." "I AM GROWING OLD IN A TOMB OF INJUSTICE."

State Supreme Court Docket: 018 Page 3:

"There are no further proceedings in Superior Court. The damage is done in disbursing court funds for forfeiture acts of wrongdoing proven from the record. The court below has committed such grievious error as to place the system of justice in jeopardy . . . . ."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-7

State Supreme Court Docket: 018 Page 10:

"For the facts of this case, a direct approach is mandatory. One does-not use discretion to review a matter other attorneys are disbarred for."

State Supreme Court Docket: 020 Page 2:

RELATING BACK

BELATED JUSTICE COULD STILL BE DONE. The motion for disbursement of funds has opened the way to examine the record of a citizen deprived of rights and restitution."

State Supreme Court Docket: 021 Page 4:

"F. V. Betts is responsible for damage to his client and his wrongs will forever stand as a monument of forfeiture to fees. He not only obstructed justice of my trial, but now intrudes on a deceitful judgment to snare a share of further shame."

State Supreme Court Docket: 022 Page 6:

BETTS EVADING AND AVOIDING IN COURT REQUESTED RESPONSE

"I object to the respondents response in its entirety on the grounds of evading, avoiding issues and facts and pleadings, ignoring authority presented by appellant, and not presenting authority of their own." "There was no notice to Beatrice Koker nor the court."

State Supreme Court Docket: 022 Page 12:

"The status quo of petitioner Beatrice Koker is deprivation of all redress and remedy and is affected to capacity and beyond."

State Supreme Court Docket: 022 Page 15:

"The only services rendered are the malpractice of an attorney and his representation of lies and deceit on the record. It is departing from accepted judicial conduct to recognize such acts as compensable."

State Supreme Court Docket: 022 page 17:

"My intent is clear from the record that the PEOPLE OF THE STATE will not be paying for trials of extortion of rights and obstruction of justice."

State Supreme Court Docket: 022 Page 18:

"This Court must be made aware that Beatrice has-not picketed nor attended public hearings for justice seeking means. My respect for the Courts and Legal Profession has not waivered through the throes of all these rejections of justice to me."

State Supreme Court Docket: 023 Page 1:

"Frederick V. Betts has now committed an act under color of law and involves himself, his former law firm of Skeel, McKelvey, Henke, Evenson & Betts, and King County and the State of Washington."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R-9

State
Supreme Court Docket: 023 Page 3:

"Your Court has not helped me."

State Supreme Court Docket: 025 Page 5:

"INVESTIGATION PRO SE FOUND
NEW ISSUE "UNDER COLOR OF LAW"

"The record shows Betts wanted that money disbursed from the fund so much he committed an "act under color of law" in deceit and concealment. The commissioner of your court has ignored the entire matter and failed to postpone a ruling to allow me to present the entire matter. A clear denial of a right to due process. And he did-not rule."

State Supreme Court Docket: 025 Page 6:

THE OPINION IS PREJUDICED

"Commissioner Crooks does-not address any of the issues on appeal. He bypasses Betts "rendered services," and once again the "umbrella of protection" is extended over the wrongdoer. The commissioner's refusal to postpone the ruling results in his inaccuracy on the new issue. His interpretation of "refusal of judgment" is akin to not reading the pleadings and attachments. The publis will see a court giving "power protection to attorneys" while saying "down with the citizen."

WHERE AND HOW FEDERAL QUESTION
RAISED - State Supreme Court R - 10

State Supreme Court Docket: 025 Page 7:

Torture Chamber Pleadings
Endured in Legal Duty To
Inform The Courts

"The superficial opinion attacks on the pleadings by Commissioner Crooks, deviates momentary attention away from the fact there is NO RULING ON THE ISSUES. There is deviation temporarily from total absence of discovery of recent deceit of State and County officials "under color of law." The opinion lacks justice-jurisdiction."

State Supreme Court Docket: 025 Page 29:

Denials Of Rights

"There is deprivation of my rights under Article III of the Constitution of the United States, and the entire Constitution was put before the judge."

State Supreme Court Docket: 025 Page 32:

"The motion of Mr. Betts has opened the issue of his malpractice and the question of fees cannot be settled without reverting to the 864509 for the lawsuit on the very subject of why he should not receive payment for such acts."

State Supreme Court Docket: 025 Page 40:

"The Supreme Court is the only entity that has control over attorneys. That control is not "discretionary but

(Cont'd)

State Supreme Court Docket: 025 Page 40 (cont'd)

"a statutory duty and power. The thrust of the Commissioner of your court that followed is a pattern of denial of an absolute right."

State Supreme Court Docket: 025 Page 40:

"Statement of the grounds for direct review in the notice of appeal on pages 7 through 10 indicate the subject matter considered for direct review RAP 4.2(a)(4): The controversy over leasehold excise taxes, cemetery, mausoleum and columbarium companies and business and occupation tax, recovery for work performed, personal injury in a fertilizer plant, estate, possession valium, locating heirs. AND DIRECT REVIEW IS DENIED WHEN ATTORNEY OBTAINS FEES FOR MALPRACTICE ACTS???????"

State Supreme Court Docket: 025 Page 41:

"The entrapment destruction of absolute rights has an example in the 1979 statute which condemns people of the Court of Appeals, and then there is no way to get into the Supreme Court except by "discretionary review." The rules state a Commissioner or Clerks ruling in denying discretionary review is seldom overturned."

State Supreme Court Docket: 025 Page 43:

"Overworking of the courts is denying justice to those now deprived, depressed, and degraded." WHEN THE ATTORNEYS ARE UNDER CONTROL OF THE STATE SUPREME COURT SHALL A COMMISSIONER BE ALLOWED TO RULE?"

R-12

State Supreme Court Docket: 025 Page 44:

"The Rulings and Non-Rulings
Of The Superior Court and State
Supreme Court Commissioner deny
Me Access to Court, Deny Citizens
Money, Deny Trust To The Public"

"Equal protection is an element of of repercussions from the rulings of the courts so far. Betts is granted fees for acts that shock the conscience of any reader of the facts of the case of representation. What are the courts thinking of? That this will be a buried issue and just deny, denay and deny and it will go away? No. It will never go away because I live with the results of his "rendered services" in minute to minute existence in the slime of deprivation."

State Supreme Court Docket: 0310 Page 3:

"The Commissioner Crooks of your court has stated he could not summarize the pleadings of Beatrice Koker. This is imperative reason for oral argument where the justices of the court have free rein to ask questions to clarify all matters."

"There is a denial to the right to due process and a right to justice, to be denied whatever will open the way to understanding of a controversy."

State Supreme Court Docket: 0310 Page 3:

"No one else can usurp the duty that only a justice or judge can rule."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R-13

"F. V. Betts committed another "act under color of law" while this appeal is in progress. The Commissioner ignores Petitioner's accelerated plea to postpone the ruling until the matter ultimately could be reported. The Commissioner ignored my plea, ruled, denied discretionary review on top of denial of direct review."

State Supreme Court Docket: 0310 Page 8:

"Why should I be a victim of a ruling of a commissioner over-worked? It states that out of 28 subjects for motion, the commissioner or clerk have 25 of them. Your clerk admittedly did not give you a summary of the case."

State Supreme Court Docket: 0310 Page 9:

"I grieve for the promises in the Constitution also."

State Supreme Court Docket: 0310 Page 11:

"The entire purpose of appeal is to obtain understanding of the issues and the controversy itself as due process."

State Supreme Court Docket: 0310 Page 14:

"Plethora of wrongs compel plethora of pleadings plus justice."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R - 14

State Supreme Court Docket: 0310 Page 18:

"Why should the victim be on the defensive in an adversary system that is justice for all, equal protection, truthfulness and honor and integrity. Why shall the victim be denied the debt that is owed her?"

State Supreme Court Docket: 0310 Page 20:

"A woman is crippled, betrayed legally, and rejected by the courts while those who have removed my damages are rewarded for their reprehensible acts."

State Supreme Court Docket: 0310 Page 20:

"I live in deprivation of rights. Deprivation of a way of life. Deprivation of pursuit of happiness. Deprivation of liberty because of others."

State Supreme Court Docket: 0310 Page 21:

"A live victim of injustice in court is more realistic than a name and number neatly typed on a piece of paper." "Oral Argument"

State Supreme Court Docket: 033 Page 7:

"It is the State Supreme Court's duty to see that justice is done in a case which comes before it. In re Bruen, 102 Wash 472, 172 P 1152 (1918):

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 033 Page 10:

"I object to the frivolous response of respondents. I object to all their responses which are never responses. I object to the lack of authority. I object to the obvious success of non-presentation which so far has won the rulings of court." "Thus victims. Trauma. Grief. Aggrieved. Rights denied."

State Supreme Court Docket: 033 Page 11:

"Life as it was born to me, liberty as it was given to me Constitutionally and the Pursuit of Happiness is gone . . ."

"The only redress and remedy and restitution is taken from me by attorneys misdeeds. . . The only help to obtain justice in the courts was not given . . ."

State Supreme Court Docket: _____Page 3 & 4:

Please Note: The document is "NOTICE AND MOTION FOR RECONSIDERATION" And "OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS." The Clerk of the State Supreme Court "filed with no further action". Document dated June 4, 1984 and is listed in APPENDIX E-4: (Last Entry):

"In an alleged second degree perjury act, F. V. Betts concealed facts, under oath by affidavit, obtained the funds in controversy behind the scenes, in deceit, above the ruling of the court which he seemed not to need even if he is estopped by conduct from being

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paid. The Commissioner totally evaded this matter, even though it was reported to him before his ruling!" "The act was committed. The Commissioner knew it. He ignored it."

"To evade and avoid a ruling is a federal question."

State Supreme Court: _____Page 7:

" NOTICE AND MOTION FOR RECONSIDERATION And OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS" Filed June 4, 1984:

"RELIEF SOUGHT BY PETITIONER KOKER THAT IF THIS RECONSIDERATION OF DENIAL OF MODIFICATION OF COMMISS-IONERS RULINGS IS DENIED, THAT THE SUPREME COURT BY LAW SHALL BE COMPELLED TO RELATE BACK TO THE BEGINNING OF HIGH COURT RULINGS ON THAT SUBJECT IN THIS STATE UNDER THE EQUAL PROTECTION ACT."

State Supreme Court: _____Page 7:

"The law of forfeiture is evaded and avoided for this attorney and no other."

"UNDER THE EQUAL PROTECTION LAW NO ONE CAN BE A LEGAL "TEACHER'S PET" AND F. V. BETTS IS BEING PAID FOR ACTS WHICH ANY OTHER ATTORNEY WOULD BE DISBARRED, AND THIS IS UNCONSTITUTIONAL RULING BY THE COURTS OF THE STATE OF WASHINGTON."

"ALL ISSUES EVADED AND AVOIDED AND NOT RULED."

FEDERAL QUESTION RAISED
State Supreme Court

R-17

State Supreme Court Docket: _____Page 24

"NOTICE AND MOTION FOR RECONSIDERATION AND OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS" Filed June 4, 1984: Clerk of State Supreme Court filed with no further action."

"I am deprived of fundamental and substantial rights to live as a whole person with life, liberty and the pursuit of happiness."

State Supreme Court Docket: 0360 Page 2:
(Appeal to Justice of the above RAP 17.7)

"Relief sought for access to the State Supreme Court for a ruling on motion for reconsideration. The purpose of any motion to any court is for a ruling on the matter by the judges under Article III of the United States Constitution. The access to your court for a justices ruling on motion for reconsideration is in estoppel of "filing with no further action" as per Constitutional Law of Burns v Ohio (infra)"

State Supreme Court Docket: 0360 Page 3:

"Relief sought from the legal-loophole-use of "filed with no further action" that denies the right of access to the courts. The purpose of a motion is for ruling by the judges.""The ultimate result is that a court case-overload is lightened, and reprehensible issues against attorneys can be eliminated by intruding on the Constitutional Rights to be heard."

FEDERAL QUESTION RAISED - State Supreme Court

R-18

State Supreme Court Docket: 0360 Page 5:

"Relief sought from evading and avoiding on rulings and non-rulings from the Commissioner of State Supreme Court, and the evading and avoiding by denying RAP 17.7 to modify Commissioner's rulings et al. And now relief sought in evading and avoiding a motion for reconsideration by "filed with no further action."

EVADING AND AVOIDING IS A FEDERAL QUESTION

State Supreme Court Docket: 0360 Page 8:

"Shock after shock befell Beatrice Koker who has proven her contentions and none are assumptions. The power of the appellate structure courts rallied around attorneys in their oath-breaking, their fraud of the court lying to judges and jury and proven from the record, and all wrong is ignored, or evaded and avoided and that is a federal question in itself."

State Supreme Court Docket: 0360 Page 11:

"There Is A Long History of Bias And Prejudice From State Courts Of Washington Which Relevantly Prove a Whistle Blower Is Discriminated Against. Denied Rights And Denied Access To State Courts And Is Deprived. Harrassed. Without by Law Redress And Remedy To The Victim But All Good Rulings That Profit Those For Misdeeds And Wrong And CONTRARY TO LAW

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 0360 Page 18:

"Whistle-Blower Bea finds out a wrong, and the courts consistently protect Betts. You, the high court, has evaded and avoided your duty."
"The "appearance" of injustice shall be deemed injustice."

State Supreme Court Docket: 0360 Page 20:

"Commissioner And Clerk Rulings In Supreme Court And Court of Appeals Are Unconstitutional Per Article III "

"Therefore, the rulings of Commissioner Crooks denying direct review and denying discretionary review are in manifest error in two ways. (1) Contrary to law and (2) unconstitutional in that no jurisdiction of the justices realm of ruling on controversy shall be given to anyone but the Justices or Judges of a court." ARTICLE III of the Constitution Of The United States §1 Note 66 and Note 67:

State Supreme Court Docket: 0360 Page 22:

"Filed With No Further Action"

"There is no message in the law to allow the appellate structure of courts to do this. Therefore, it is court-made expedient to be rid of controversies before the court, to lighten the caseload and/or expell "unwanted whistle-blowing pro se's."

FEDERAL QUESTION RAISED - State Supreme Court

R-20

State Supreme Court Docket: 0360 Page 23:

"So there is question that any of the rulings of the clerks or the commissioners are valid even for an RAP 17.7 because they should not be allowed to rule in the first place."

"There is question of constitutionality of judicial rulings by your Commissioner and your Clerk according to Article III of the Constitution of the United States. (Supra) The Washington Appellate Practice says under RAP "that the Supreme Court rarely overturns the ruling of a Commissioner"." "That is advance notice of futility to try to obtain justice."

State Supreme Court Docket: 0360 Page 29:

"Wrongdoer Shall Bear Risk His Own Wrong Created With No Help From The Courts"

"The most elementary conception of justice and public policy requires that the wrongdoer shall bear the risk of the uncertainty which the wrong has created." Wenzler v Ward 53 Wn 2d 96 (1959) Quoting in narrative above from page 99:

State Supreme Court Docket: 0360 Page 30:

"You have not heard me. No oral argument, just rulings by commissioner and clerk ursurping the court's position of duties. That too is ground for review that justice cannot be done by substituting inferior officers, as judges."

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 0360 Page 32:

"THE COURTS OF THE STATE OF WASHINGTON HAVE DEPRIVED BEATRICE KOKER OF HER RIGHTS UNDER THE 14th AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES BASED ON THE GROUNDS IN THE RECORD."

State Supreme Court Docket: 0360 Page 33:

"Who will change the course of injustice to justice and bind the forces that have allowed this denial of rights? Only the State Supreme Court can do it at this time."

State Supreme Court Docket: 037 Page 1:

"This supplementary document the result of research probing for why a clerk would rule "filed with no further action, which Article III Sec §1 Note 66 and Note 67 of the United States Constitution does prohibit as unconstitutional."

State Supreme Court Docket: 037 Page 2:

"Relief sought to obliterate using "overcrowded Courts" "caseload" to comandeer legislative action, and court rule action and court rulings by commissioners and clerks to clear the courts of appeals. Relief sought to restore access to the courts of appeals. Relief sought to restore access to the courts and in addition to that right, the right to due process and all constitutional rights to sovereign citizens. Repugnant To Const."

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 2:

"Relief sought through the conscience of the courts inundated by workloads of frustration, to place justice of the cause first, and never let go of the individual rights regardless of the inconvenience and time of the court."

"There is no emergency measure that warrants removal of the rights of people. Repugnant To Constitution."

State Supreme Court Docket: 037 page 3:

"In Washington Laws, Chapter 331 Pages 1559 and 1560 there is a legislative law passed called "COURT CONGESTION REDUCTION ACT OF 1981." "To avoid congestion of the courts the legislature in Sec 2 of this act raised the docket fee from $25. (twenty-five dollars) to $100. (one hundred collars."

"This accomplished a filing fee so high that many cannot afford their rights to be heard, thus the outcome of unburdening the courts is burdening the people and denying them access to the courts and denying due process to be heard."

State Supreme Court Docket: 037 Page 4:

"Filed with no further action" stops that motion immediately without being heard. Another trap for caseload reduction. The caseload reduction is the unconstitutional throw-out method."

FEDERAL QUESTIONS RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 4:

"The law clerks, clerks of the appellate courts, and the commissioners have either taken or been allotted by the courts, duties that are beyond their power by law. All done to undo congestion and all done outside the Constitutional Guarantees. The constitutional rights of people are bound to suffer on the basis of all-encompassing workload status versus rights of people."

State Supreme Court Docket: 037 Page 7:

"There is absolute shock at the devaluation of constitutional rights expended under the guise of lifting the caseload in the courts."
"What has happened is that Constitutional Rights to due process of law, and denial of access to the courts result from the projected Washington Law 1981, Chapter 331 Sec 1-Sec 16:"

State Supreme Court Docket: 037 Page 10:

"Backlog Eroding Trust In The Justice System"

"Thereis general agreement that the courts are overcrowded. There is controversy as to who is responsible. The method of solving the problem so far is taking constitutional rights away from the people."

State Supreme Court Docket: 037 Page 12:

"THE POWERS AND DUTIES OF COURT CLERKS RCW 2.32.050. NOWHERE IS THE CLERK PERMITTED TO FILE "WITH NO FURTHER ACTION."

FEDERAL QUESTIONS RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 14:

"The Fourteenth Amendment Note 5 P 51 says this amendment is designed to shield litigants against arbitrary action in the disregard of essential right and justice. I claim that right."

State Supreme Court Docket: 037 Page 15:

"A filed paper in limbo of "no further action" is the same as no filing at all. The Constitutional guarantee is the right to be heard. That right to be heard is silenced with no action. This method of clearing crowded court agenda must stop not only in this instance but to everyone."

State Supreme Court Docket: 037 Page 19:

"Abolishing the right to be heard however good the intentions, shall never be due process."

State Supreme Court Docket: 037 Page 20:

"A lot of little people with their problems are slated to be absconded from the court dockets via the unconstitutional new procedures and new laws and "filed with no further action" just to make way for the time consuming, energy depleting BIGGY CASES."

State Supreme Court Docket: 037 Page 23:

"The attempts to alleviate the case-load agenda has brought the system of justice to brink of disaster constitutionally

State Supreme Court Docket: 037 page 25(a)

"I ask the Court Congestion Reduction Act be held invalid as expediency cannot take precedent over constitutional value. ARTICLE III §1 Note 121."

State Supreme Court Docket: 037 Page 25(b):

"I challenge any of the introduced elements to rid the courts of cases, because there is total disregard of the rights of people and only consideration of overloaded court calendars. All set forth herein are challenged objects of questionable acts and procedures to accompliah ahooing people and their problems out of their own courts."

"The courts are there to serve the people, the sovereign citizens. It is not serving the people to deny access to their own court system and deny rights to be heard in the very courts established so the people have a place to be heard."

State Supreme Court Docket: _____ page 1:

Please take judicial notice that again the Clerk of Supreme Court "filed with no further action" a document called: "OBJECTIONS BY APPELLANTS TO MEANINGLESS APPEAL" OBJECTIONS TO DENIAL OF FEDERAL RIGHTS. OBJECTIONS TO DENIAL OF CIVIL RIGHTS." (Cont'd)

What further action is there to be taken on "objections"? The document is filed. In Appendix C-13: the Clerk of the State Supreme Court admits all elements of objections and denial of federal rights as per that document, have been considered by the court and denied.

How can one file objections until after the fact of denials? What further action is there to take on objections? It is a record.

"Objection Document" _____Page 1:
"Filed With No Further Action"

> "A meaningful appeal is a Constitutional Federal Right under the Constitutional Amendment 14 §1240 Appellate Procedure. The State Supreme Court has broken the covenant of an oath to uphold the Constitution of the United States by denying Beatrice E. Koker and Erich Koker their right to a meaningful appeal. WE OBJECT."

State Supreme Court Docket: _____Page 2:

> "Where the law gives a party the right to appeal, there is a right to demand the conscientious judgment of the COURT on every question arising." "There is deliberate silence by the highest court of the state, a meaningless appeal and deliberate denial of Federal rights. Appellants object."

State Supreme Court Docket: _____Page 3
"Objection Document"
"Filed With No Further Action"

"The Appellants Kokers object to being caseload victims of the courts."

State Supreme Court Docket: _____Page 3:

"A court congestion task force was established in WASHINGTON LAWS, 1982 Ch. 187 p 773 (House Bill No. 864)"

"THE STATE SUPREME COURT CHIEF JUSTICE APPOINTED THIS TASK FORCE AND THE STATE SUPREME COURT HAS MADE APPELLANTS VICTIMS."

State Supreme Court Docket: _____ Page 6:

"I have challenged all the statutes related to appeals herein, as repugnant to the Constitution of Federal Rights."

State Supreme Court Docket: _____Page 6(a):

"A jury trial was asked for this important question of an attorney committing wrongdoing being paid a fee. To no avail in either court."

State Supreme Court Docket: _____Page 11:

"The state courts have given him exemption from his legal wrongs, and suffer the repercussions and denial federal rights onto the appellant sovereign citizens, depriving us of the very rights included in citizenship."

State Supreme Court Docket: _____ Page 12:

"Objection Document" Filed Sept. 12, 1984:
"Filed with no further action" Court Clerk

> "Objections to denial of equal protection right, and denial of right to due process. Objections to denial of rights under the Constitution 14th Amendment. The appeal is meaningless in federal rights unprotected by the State Courts of Washington."

WILLIAM C. GOODLOE
Judge of the Superior Court
King County Court House
Seattle, Washington 98104

April 5, 1984

TO WHOM IT MAY CONCERN:

Beatrice E. Koker has appeared pro se in my court at least a dozen times for various proceedings and it is without hesitation that I report that she is always fully prepared, forceful in her argument and extremely calm and deliberate in her advocacy.

Her memory is extraordinary and physical endurance is great. Mrs. Koker's knowledge of court rules and procedure is excellent.

An important test of competence comes from the attitude of my lower bench. Mrs. Koker's appearances in court are received by them with pleasure and cordiality.

/s/
WILLIAM C. GOODLOE

"References" S-1

Feb. 3, 1984

To whom it may concern:

On January 5, 1984, two attorneys came to my desk. Both had come from the Daily Motions Calendar, being heard that morning by The Honorable Lloyd Bever.

Both attorneys remarked on the eloquence and the expertise in legal knowledge of a female Pro Se who had appeared that morning on the calendar. Beatrice Koker was the only female Pro Se before Judge Bever's court that morning.

They also commented on her poise before the court, her ability to adequately defend herself, and the length of time the Judge allowed for the hearing of the motion, which was considerably longer than most of the other matters heard. The attorneys also wondered if she indeed might really be a pro se attorney.

/S/
Ellen L. H. Fawcett

Notary Public
Seattle Wa. King County

/S/
Eleanora Galley

S-2
"References"

To Whom It May Concern:

I have known Beatrice Koker since my first examination of her on April 9, 1976, and we have counseled every few months since her trial. I believe there has been considerable misunderstanding of her claims and her case, resulting in unfairness to her. Therefore, I would urge that she have another trial.

ARTHUR W. FREIDINGER, M.D.
Psychiatry
1900 Cabrini Medical Tower
901 Boren Avenue
Seattle, Washington 98104

Telephone 682-5266

Sincerely,

/s/
Arthur W. Freidinger, M.D.
AWF/cm

"References" S-3

REFERENCES

July 23, 1974

TO WHOM IT MAY CONCERN:

It has been my privilege to know Mrs. Erich (Beatrice) Koker for a number of years.

I hold her in the highest regard as a highly intelligent person of unassailable integrity, honesty, and character, to which should be added "courage."

Should detail or example be desired, the reader is invited to communicate directly with the undersigned.

/S/

ROBERT A. KEENE
6242 36th Avenue NE
Seattle, Washington

(206) 523-1188

"References" S-4

SUPREME COURT OF THE UNITED STATES

NO. A-340

BEATRICE KOKER, ET VIR.,

Appellants,

V

NOEL B. AND WINETTA SAGE

ORDER

UPON CONSIDERATION OF the application the appellants,

IT IS ORDERED that the time within which to docket an appeal in the above-entitled cause be and the same is hereby extended to and including December 10, 1984.

/s/ William H. Rehnquist
Associate Justice of the
Supreme Court of the
United States

Dated this 1st
day of November 1984.

Appendix F